R. J. Elvin

LOCAL LAWS

OF THE

STATE OF INDIANA,

PASSED AT THE

THIRTY-FIFTH SESSION

OF THE

GENERAL ASSEMBLY.

By Authority.

INDIANAPOLIS:
J. P. CHAHPMAN, PRINTER.
1851.

LOCAL LAWS.

CHAPTER I.

An Act to incorporate the Town of Vernon, Jennings County, Indiana.

[APPROVED JANUARY 22, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the inhabitants of so much of the county of Jennings as is contained within the peninsula or circular bend of the Muscatatuck river, including the Town of Vernon, and to high water mark on the opposite banks of said stream, and so much of the Isthmus or narrows as is embraced in the south-east quarter of section three, town six, range eight east, and east of Sandford's Branch, are hereby declared to be a body corporate and politic, by the name and style of the town of Vernon, and by that name shall be and are invested with all the powers and privileges appertaining to bodies corporate and politic with perpetual succession.

SEC. 2. That for the purposes of organization and taxation the bounds of said corporation shall extend only one hundred and thirty-two feet south of South street, and to a line parallel to the same, and to a line, parallel with and three hundred feet west of Water street. The territory within said bounds shall be divided into five wards, by lines running through said corporation, east and west, parallel with the centres of Washington, Jackson, Brown and Gaines streets: the territory south of Washington street shall constitute the first ward: from thence to Jackson street the second ward: from thence to Brown street the third ward: from thence to Gaines street the fourth ward: and from thence to the north line of the corporation the fifth ward: *Provided*, That whenever the mayor and council may deem it necessary, they may alter or increase the number thereof.

SEC. 3. There shall be an election holden in the court house in Vernon on the second Monday of March, 1851, and annually

shall be sustained by competent testimony he shall render judgment against the defendant for the sum prescribed in the ordinances of the corporation for such violation with costs, and from such judgment an appeal may be had to the circuit court of said county, or execution may be stayed for sixty days; and all executions when issued shall be returnable in thirty days, and in these proceedings, and in all other proceedings necessary to enforce such judgment the mayor shall be governed by the laws of the state regulating the jurisdiction and duties of justices of the peace in criminal cases, and the marshal shall be governed by the laws regulating the duties of constables in similar cases, with the exceptions herein expressed.

Sec. 11. During the absence or disability of the mayor, or in case of a vacancy in the office of mayor, any justice of the peace of said town may perform his judicial duties.

Sec. 12. It shall be the duty of the marshal to suppress all riots, disturbances, and breaches of the peace, and to apprehend all riotous and disorderly persons or disturbers of the peace, and forthwith convey them before the mayor; and, in case of resistance, it shall be lawful for him to command the aid of any bystanders in apprehending and conveying such offender to the mayor's office, and it shall be the duty of the mayor forthwith to hear and determine such complaint; or the marshal shall be authorized to arrest and commit to the jail of the county any person or persons who may be disturbing the peace of the town, and who shall refuse to desist from such disturbance at his request or command; but such imprisonment shall not exceed in duration, at any one time, more than twelve hours. It shall be the duty of the marshal to receive and execute all process issued by the mayor, and he shall have all the authority of a constable, and shall be governed in his official acts by the laws of the state regulating the duties of constables, and shall have a right to charge and collect the same fees as are allowed to constables for similar services.

Sec. 13. The recorder shall attend all meetings of the council, and keep a record of their proceedings in a book kept for that purpose; enter in said book all laws and ordinances passed by said council, and attest the same; draw warrants on the treasurer for allowances made by the council, and enter them immediately in a book to be kept for that purpose; and perform such other duties as may be required of him by the mayor and council.

Sec. 14. The mayor and council shall make such allowances to the assessor, recorder, treasurer, and any other officers they may appoint, as to them shall appear just and reasonable.

Sec. 15. The mayor and council shall be allowed the use of the jail of Jennings county for the confinement of all such persons as shall be liable to imprisonment, and all persons so imprisoned shall be in charge of the keeper of said jail until discharged by due course of law.

Sec. 16. All bonds given to the corporation, all contracts entered into with the corporation, and all suits for or against the corporation, shall be in the name of the town of Vernon.

Sec. 17. The mayor and council may adopt such by-laws and regulations for their own government, and impose such fine upon members for a breach of the same as they may deem advisable, and a majority of all the council elect may expel a member for disorderly or improper conduct.

Sec. 18. The mayor and council shall have power to levy and collect, annually, from each male inhabitant of the corporation between the ages of twenty-one and fifty years, a poll tax not exceeding one dollar, and on real estate a tax not exceeding one per centum on its valuation, and also on personal property, not exceeding one-third of one per centum, for the use of the corporation: Provided, that no poll tax shall be levied so long as the state law authorizes a levy for road purposes upon polls.

Sec. 19. It shall be the duty of the assessor, annually, in the month of April, to call upon each and every person residing within the taxable part of said corporation, for a list of his, her, or their real and personal property within the same, the value of which he shall enter in his assessment roll, opposite the name of the owner or person liable to be taxed, designating in separate columns the value of the real estate, with its appropriate description, and the aggregate value of each person's personal property, the whole to be valued at a fair cash valuation. And for the purpose of ascertaining the value of lands, lots or parts of lots, with their improvements, the assessor shall, in the year 1851, and biennially thereafter, call to his assistance two discreet resident freeholders, who, after being sworn faithfully and impartially to discharge their duties as such, shall, with said assessor, proceed to value the same. And should any person neglect or refuse to give in the value of his personal property, or the property in his possession liable to be taxed, when so called on, the assessor shall estimate the value thereof from the best information he can obtain, which shall be conclusive against all residents; and when he cannot obtain the name of the owner of any property, he shall enter the same on his book as unknown. And said assessor shall, on or before the first Monday in May, make return of his assessment roll to the recorder of said corporation, which shall be a lien upon the property so assessed for the tax of the current year, from and after the first Monday of April, until paid.

Sec. 20. It shall be the duty of the recorder to enter in a book to be provided for that purpose, a copy of said assessment roll, and to enter in a column opposite each person's name the amount of tax levied against him, her or them for the current year, and from this record he shall make a fair duplicate and deliver the same to the marshal on or before the first day of June, which, when signed by the mayor and attested by the recorder, shall be sufficient authority for collecting the taxes on the same.

SEC. 21. It shall be the duty of the marshal, upon the receipt of said duplicate, to receive the taxes from any person or persons until the first day of August, after which time he shall proceed to collect all arrearages by distress and sale of any of the personal property of such delinquents, after giving ten days' notice of the time and place of sale, by advertisements set up in three public places in said town: *Provided*, That if any person or property has been omitted to be taxed in the duplicate, the marshal shall assess and collect the same, and make return thereof as in other cases.

SEC. 22. That in all cases where the tax shall be due and owing, cannot be collected of the goods and chattels of the delinquent, the marshal shall, on the first Monday in October, make a list of such delinquents who own real estate, with a description of such estate, and the amount in arrear, and file the same with the recorder, whose duty it shall be to record the same and give notice of the sale of said property, for at least twenty days previous, in some newspaper published in said town, or by posting up written notices in three of the most public places in said town, describing the property, with the amount of taxes and cost of advertising, and the time and place of sale, which time shall be on or before the first Monday of November.

SEC. 23. That in sales of lands or lots for taxes or corporation purposes, the marshal and recorder shall be governed by the 12th chapter of the revised statutes of 1843, which is hereby adopted and made a part of this act, from the 91st to the 123d sections inclusive, excepting the 120th section and the latter clause of the 97th section, and excepting the modifications in the next succeeding section.

SEC. 24. For the word auditor, wherever it may occur in the above described sections, shall be substituted recorder, and for the word treasurer shall be substituted marshal. The moneys required to be refunded by the 116th and 117th sections from the county treasury, shall be paid from the treasury of the corporation.

SEC. 25. The marshal will add to each tract or lot advertised, a proportionate part of the expense of advertising, to be collected and paid over with the taxes, and will also add to each lot or parcel sold, fifty cents, to be paid by the purchaser, one-half for the use of the marshal, and one half to the use of the recorder. All delinquent taxes shall be carried forward on the duplicate of the next year, with a penalty of fifteen per cent.

SEC. 26. The marshal shall, from time to time, pay over to the treasurer all moneys which may come into his hands by virtue of his said office, taking his receipt for the same, and on the second Monday in November he shall make return of his duplicate, and make final settlement with the mayor and council, who shall meet for that purpose, and who shall make him an allowance for all reasonable delinquences, and such compensation for his services as collector as they shall think proper.

SEC. 27. The recorder shall be entitled to one dollar for making a deed on a sale for taxes, and shall acknowledge said deed before some person authorized to take such acknowledgment.

SEC. 28. Whenever the owners of lots on any street or part of a street not less than one block or square, shall be desirous of improving the same by graveling or paving said street, or the side-walks thereof, or any other improvement on said street or side-walk, the resident owners of lots on said street or section of a street representing more than one-half the number of feet of lots on both sides of the same, or more than one-half of the whole number of feet on one side of any side-walk, shall, by petition sent to the mayor and council, represent the improvement desired, the mayor and council shall order such improvement made under the direction of the street commissioner, upon the best and most economical plan, and the owners of property adjoining said improvement shall have a right to work out their share of said improvement on said street or side-walk, if done within a reasonable time, to be fixed by said council: *Provided*, That the council may when, in their opinion, the public good may require it, cause any such improvement to be made without petition, and assess the expenses in the manner above stated, or may pay the whole or part thereof out of the treasury of the corporation, as the case may require.

SEC. 29. After the time limited in the foregoing section, the street commissioners shall proceed forthwith to complete such improvement, and make report to the recorder of all those who have made their share of the improvement, and the amount expended to complete the remainder. And it shall be the duty of the recorder to make out a list of the delinquents, with the number of feet owned by each, to which shall be added their respective proportions of said deficiency, according to the number of feet owned, and which list, signed by the mayor and attested by the recorder, shall be sufficient authority for the marshal to collect the same. And if the owner of any such property shall fail to pay such assessment within sixty days, the marshal shall collect the same by sale of said property, or so much thereof as will pay the amount due thereon, with costs, which the marshal is hereby authorized to tax at five per cent. on each sum so collected.

SEC. 30. In making such sale, the marshal and recorder shall be governed in all respects by the sections in the preceding part of this act providing for the sale of lots or lands for the collection of taxes, and all the rights and privileges there granted to owners or purchasers are hereby extended to all sales under this act.

SEC. 31. All lands or lots which shall remain unsold for the want of bidders, or any other cause, shall be re-offered by the marshal at any time when so directed by the council, and to the amount due shall be added twenty-five cents on each piece for advertising.

SEC. 32. All moneys arising from taxes, fines, licenses, and other sources, accruing under the regulations of said corporation, shall be

paid over to the treasurer, who shall give duplicate receipts for the same, one of which shall be filed with the recorder, who will enter the same in his register of receipts; and no moneys will be paid out by said treasurer but by order of the mayor and council, certified by the recorder.

SEC. 33. The territory included within the bounds of said corporation shall constitute one of the road districts of Vernon township, which shall be under the control of the mayor and council, to be worked by the street commissioner, who is hereby invested with all the authority and immunities of a supervisor of roads, and shall be subject to the same liabilities for neglect of duty; and it shall be the duty of the auditor of Jennings county, annually, to deliver to said street commissioner a list of hands and taxes assessed for road purposes in said district, in like manner as he does to supervisors of roads, and the said street commissioner shall work out the same and make like report to the auditor as is required of supervisors.

SEC. 34. It shall not be lawful to exhibit for gain, within the corporation, or within one half mile of the limits thereof, any animal, wax figure, or other natural or artificial curiosity, or any feats of horsemanship, circus riding, rope or wire dancing, legerdemain, ventriloquism, or other amusement, without first obtaining a license from the treasurer, for which they shall pay not less than two, nor more than twenty dollars, for each exhibition of such show, as shall be directed by the mayor and council; and if any person shall violate the provisions of this section, such person or persons shall forfeit and pay a penalty of not less than five, nor more than forty dollars for such violation, for the benefit of the corporation, to be recovered in an action of debt.

SEC. 35. All former acts for the incorporation of the town of Vernon, are hereby repealed, and the corporation shall inherit and possess all the rights, credits, moneys and effects belonging to former corporations of said town, and shall have the right to sue for and recover in its own name, and dispose of the same: *Provided*, That all moneys heretofore collected for licenses to retail spirituous liquors with the interest on the same, are hereby appropriated to the school districts in said town, to be equally divided between them, for school purposes.

SEC. 36. This act shall be a public act, and shall be liberally construed, and shall be in force from and after its passage.

CHAPTER II.

Act for the relief of John Henry Lewis Gerke, and Frederick Myers.

[APPROVED JANUARY 21, 1851.]

WHEREAS, it is represented to the General Assembly of the state of Indiana, that a certificate for a patent, issued on the 22d day of November, 1844, in the name of John Henry Lewis Harke, and Frederick Myers of Allen county, for the east half of the south-east quarter of section 25, township 30, range 12, east of canal lands east of Tippecanoe, (original certificate No. 1434,) and whereas there was a mistake in said certificate by inserting the name of Lewis Harke, instead of John H. L. Gerke, the rightful owner and purchaser thereof, therefore:

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the secretary of state be, and he is hereby authorized and required to make out and issue a patent for said land to John H. L. Gerke and Frederick Myers, upon said original certificate No. 1434, being surrendered to such secretary of state.

SEC. 2. This act to be in force from and after its passage.

CHAPTER III.

An Act to repeal an Act entitled "an Act authorising the Commissioners of Fountain county to vacate a certain street in the town of Rob Roy, in Fountain county."

[APPROVED JANUARY 21, 1851.]

WHEREAS, the General Assembly, at its last session, passed an act authorising the county commissioners of Fountain county to vacate so much of Pike street as lies between Clay and Adams streets, in the town of Rob Roy, in said county; Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the above named act be, and the same is hereby repealed.

SEC. 2. This act to be in force from and after its passage.

CHAPTER IV.

An Act to locate a State Road in the Counties of Kosciusko and Wabash.

APPROVED JANUARY 21, 1851.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That John S. Ullery, of the county of Kosciusko, is hereby appointed commissioner to view, mark, and locate a state road, commencing at the north-west corner of section two, (2) in township thirty, (30) north of range seven, (7) east, and running two miles south, as near the section line as the ground will permit; thence on the nearest and best ground, until it intersects the Warsaw and Liberty Mills state road, near William Leache's lot of ground, in section twenty-two, (22) in township thirty, (30) north of range seven, (7) east.

SEC. 2. The said commissioner shall, on or before the first Monday of March, next, or as soon thereafter as he may think proper, and after taking an oath faithfully to discharge his duty as such commissioner, to view, mark, and locate the said road, and he shall be governed in all things by the general laws now in force, for laying out roads and highways.

SEC. 3. This act to be in force from and after its passage.

CHAPTER V.

An Act to open an alley in the town of Perrysville, in Vermillion county.

[APPROVED JANUARY 21, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Thomas Cushman, James Blair, and John S. Baxter, be hereby authorised to open and establish an alley in the town of Perrysville, Vermillion county, Ia., sixteen feet in width, and extending from Jackson street on the east, to Clay street on the west, and to pass adjoining and along the north side of lots number twenty-nine, (29) and fifty-four, (54) in said town; but not so as to reduce the size of said lots.

SEC. 2. This act to be in force and take effect from and after its passage.

CHAPTER VI.

An Act to revive the 61st section of an Act entitled "an Act to establish certain state roads therein named, and for other purposes," approved February 18, 1839.

APPROVED JANUARY 21, 1851.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Abner E. Vanness of Cass county, be, and he is hereby appointed a commissioner to view, mark, and locate all that part of the state road described in said 61st section of the above entitled act, as still remains unopened, in said county of Cass.

SEC. 2. Said commissioner shall take an oath, and employ such assistance as is necessary, and receive the compensation, and perform the duties required of him in all respects, as is provided in the eighty-seventh and eighty-eighth sections of said act; and the board of commissioners of the county of Cass, upon receiving the report of said commissioner, shall cause the same to be recorded, and the said road opened and kept in repair in all respects as required by the above recited act.

SEC. 3. This act shall take effect and be in force from and after its passage.

CHAPTER VII.

An Act to vacate the town of Charleston, in Huntington county.

[APPROVED JANUARY 23, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the town of Charleston, in Huntington county, be and the same is hereby vacated.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER VIII.

An Act to legalize the election of the County Commissioners of the county of Owen.

[APPROVED JANUARY 23, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the districting of the county of Owen into districts, for the election of county commissioners, at the June term, 1850, of the then acting board of commissioners of said county, and the election of the present acting board of commissioners of said county, at the August election, 1850, and all the acts and doings of said present acting board of commissioners of said county of Owen, be and the same are hereby legalized.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER IX.

An Act to incorporate the Athenian Society of Indiana University.

[APPROVED JANUARY 23, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That B. Wright, J. W. Lopp, and J. W. Bardell, and others, their associates, and their successors, be, and they are hereby constituted a body corporate and politic, to continue so long as the Indiana University shall be maintained by the State, by the name of the Athenian Society of the Indiana University, and by said name may contract and be contracted with, sue and be sued, plead and be impleaded, in all courts of competent jurisdiction, and may have a common seal.

SEC. 2. That said society shall have power to form a constitution and by-laws for its government, for the regulation of its fiscal concerns, the admission and expulsion of members, the appointment of officers, and all other things necessary for the proper and efficient management of its affairs.

SEC. 3. That said society shall be capable of acquiring and holding personal property by gift, grant, or devise; and may sell, convey, and dispose of the same at pleasure: *Provided*, That no part of the

stock or property of said society, shall be used for any other than literary, educational, and scientific purposes, and to defray the necessary expenses of the society.

SEC. 4. This act to be in full force from and after its passage.

CHAPTER X.

An Act to amend an act entitled "an Act to incorporate the Western Plank Road Company," approved Jan. 14, 1850.

[APPROVED JANUARY 23, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all that portion of Section 20, of an act entitled "an act to incorporate the Western Plank Road Company" approved Jan. 14, 1850, so far as the same prohibits the construction of a bridge across the Wabash river, by said company, be, and the same is hereby repealed.

SEC. 2. That said company shall have the right to build all such bridges, aqueducts, and culverts, as may become necessary in the conveyance of freight or convenience of travellers over and along said road: *Provided*, That nothing herein shall confer upon said company power to construct a bridge across the Wabash river, so as in any manner to obstruct or impair the navigation of said river, by steam boats, flat boats, or other crafts.

SEC. 3. That the acts of the commissioners appointed by the act to which this is an amendment, in the opening of the books for the subscription of stock, be, and the same are hereby confirmed and legalized, and that said commissioners shall have power to keep said books open for the subscription of stock, till the first day of April next, and the subscribers shall have till the first day of July next, to organize under the charter to which this is an amendment.

CHAPTER XI.

An Act to vacate part of Water street, in the town of Williamsport, in the county of Warren, and state of Indiana.

[APPROVED JANUARY 25, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of Water street as lies between lots numbered one, two, three and four, and the Wabash river, in the town of Williamsport in the county of Warren and state of Indiana, be and the same is hereby vacated except fifty feet on the western side of said street and adjoining to said lots.

SEC. 2. This act shall be in force from and after its passage.

CHAPTER XII.

An Act to amend an Act entitled "An Act to incorporate the White County Monticello Bridge Company," Approved January 15th, 1850.

[APPROVED JANUARY 25, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section 2d of the above entitled act is hereby amended so as to extend the time of opening books for receiving subscriptions to the capital stock of said corporation one year from the passage of this amendatory act.

SEC. 2. This act to be in force from and after its passage.

CHAPTER XIII.

An Act to amend an Act entitled "An Act to incorporate certain Turnpike Companies therein named," approved Jan. 29th, 1839.

[APPROVED JANUARY 25, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the number of directors in the Franklin Turnpike Company after the passage of this act shall be reduced to three instead of nine, and that the three directors in said company who receive the highest number of votes at the January election, 1851, shall be and are hereby declared directors of said company until the next annual election for directors in said company and until their successors are elected and qualified.

SEC. 2. This act to be in force from and after its passage.

CHAPTER XIV.

An Act to extend the powers of the Lawrenceburgh and Upper Mississippi Rail Road Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be lawful for the Lawrenceburgh and Upper Mississippi Rail Road Company to borrow money, either within this state or out of it, from any person or persons or body corporate at such rate of interest either at, above or below six per cent. per annum, as may be agreed upon, and to sell or pledge such securities for the redemption of such loan as the creditor and said company may contract for; they may issue bonds or other obligations for the purpose of raising money or procuring materials for their work, and may sell or dispose of the same either within or without this state, upon such terms as may be agreed upon, and if such bonds or obligations are thus sold at a discount that such sale shall be as valid in every respect as if they were sold at their par value.

SEC. 2. It shall be lawful for the president and select council of the city of Lawrenceburgh and the board of commissioners of the county of Decatur to provide for the payment of any subscription they may have heretofore made or may hereafter make of stock in said company, and the interest or amount thereof by issuing bonds of not less than one hundred dollars each payable at such time and

place as said company and said city or county authorities may agree upon, and delivering the same to said company instead of money, the same to be received by said company without any discount; and whenever any such bonds shall be issued in the name and upon the faith and credit of any such city or county it shall be the duty of said president and select council and of said board of commissioners to provide for the payment of the interest upon the same and cause the same to be paid from time to time thereafter, whenever due, according to the terms of said bonds, in the same manner that other debts and expenses of said county are or may be provided for, and any bonds heretofore issued by said city or county to said company in payment of any such subscription of stock shall be valid and binding on said city and county the same as if issued after the passage of this act.

SEC. 3. This act shall be in full force from and after its passage.

[The foregoing bill was presented to me on the 23d of January, 1851, for my approval. It has not been approved, nor returned to the House of Representatives with my objections to the 28th day of January, 1851, and has therefore become a law.]

JOSEPH A. WRIGHT.

CHAPTER XV.

An Act to enable the inhabitants of School District No. 8, in Congressional Township No. 36 north of range No. 3 west, in the county of Laporte, to levy a tax sufficient to build a school house.

[APPROVED JANUARY 25, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be lawful for the qualified voters of school district No. 8, in township No. 36, north of range No. 3 west, in the county of Laporte, to hold a meeting at such time and place as shall be appointed by the trustees of said district and to determine by vote whether a tax shall be levied upon the property in said district for the purpose of building a school house therein.

SEC. 2. It shall be the duty of said district trustee to give notice of the time, place and object of such meeting, by posting up at least three notices thereof in the most public places in said district at least ten days prior to the time of holding said meeting.

SEC. 3. If a majority of all the qualified voters of said district shall at such meeting decide in favor of levying such tax, they shall also at the same time and place determine the amount thereof, which shall not exceed the sum of one per centum on the valuation of the

real and personal property in said district, and shall be a valid lien upon the property in said district.

SEC. 4. The said meeting shall be conducted and the amount of such tax collected according to the provisions of the 10th, 15th and 16th sections of the act entitled "An Act to increase and extend the benefits of Common Schools," approved January 17th, 1849, and in case such tax shall be insufficient to finish and complete said school house the said qualified voters shall annually thereafter, in like manner and under like restrictions levy and collect a similar tax until a sufficient amount shall be raised to finish and complete the same.

SEC. 5. This act shall take effect and be in force from and after its passage.

CHAPTER XVI.

An Act for the relief of the inhabitants of Congressional Township No. 25, north of range 2 east, in Cass county.

[APPROVED JANUARY 10, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the trustees of Congressional township No. 25, north of range No. 2 east, in Cass county, be, and they hereby are required to re-appraise all that part of section sixteen in said township remaining unsold, and to certify such re-appraisement to the auditor of Cass county; and it shall be lawful for the board of commissioners of said county, after such re-appraisement shall be so certified, to order and direct the sale of the same, which sale shall be conducted according to the laws in force regulating sales of unsold school lands.

SEC. 2. This act shall be in force from and after its passage, and shall be deemed supplementary to an act entitled, "An act relative to the sale of school lands in certain counties therein named, and to amend article 13, chapter 13, of revised statutes of 1843," approved January 5th, 1849.

CHAPTER XVII.

An Act relative to the Jeffersonville Association.

[APPROVED JANUARY 28, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the corporate powers heretofore granted to the Jeffersonville Association be, and the same are hereby continued in force, so far as may be necessary or proper to enable them to close up their business, collect their debts, dispose of their property, and prosecute and defend suits until the first day of January, 1855.

SEC. 2. Process may be served on said corporation by publication of notice of the pendency of any suit, for three weeks, thirty days before the first day of any term of the court in which such suit may be commenced.

SEC. 3. This act shall be in force from and after its passage.

CHAPTER XVIII.

An Act in relation to the assessment and collection of a specific road tax in Deer creek township, Cass county.

[APPROVED JANUARY 10, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board of commissioners of the county of Cass shall, at their March session, in the year 1851, and annually thereafter, assess a specific tax for road purposes on each acre of land subject to taxation within Deer creek township, in said county, of two cents per acre, which shall be in lieu of other road taxes on the lands in said township.

SEC. 2. Such road tax may be worked out on the highways of the different road districts in said township under the direction of the respective supervisors, at the rate of seventy-five cents per day, prior to the first day of October in each year; and if not so worked out, shall be collected by the county treasurer as other taxes are collected, and paid over to the supervisors of the different districts in such proportion that each district shall receive the tax collected on the lands lying in the same, and no more.

SEC. 3. Should such board at any time fail to assess the tax as herein provided, it shall be the duty of t e auditor of Cass county to enter the tax upon the duplicate in the same manner as if the same had been assessed by the board, and the col ection of the same shall be enforced and the taxes distributed in like manner as if assessed as provided in the first section.

SEC. 4. This act shall be in force from and after its passage; and all laws and parts of laws in conflict with the foregoing provisions, be, and the same are hereby repealed, so far as said township is concerned.

CHAPTER XIX.

An Act to revive a certain Act therein named.

[APPROVED JANUARY 16, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That an act entitled "An Act to provide for the opening and repairing roads and highways and streams, in the counties of Bartholemew, Putnam, Owen, Henry and Perry," approved January 31st, 1843, and repealed by an act entitled "An Act to repeal a certain act therein named, so far as relates to the county of Perry," approved Jan. 19th, 1850, be and the same is hereby revived so far as relates to the county of Perry.

SEC. 2. This to take effect and be in force from and after its passage, and publication in the Indiana Sentinel and Indiana State Journal.

CHAPTER XX.

An Act to amend the charter of the Indianapolis and Bellefontaine Railroad Company.

[APPROVED JANUARY 28, 1851.]

SECTION. 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be lawful for the aforesaid company to sell, under the provisions of the charter, any real estate that may be

hereafter subscribed to the company and appropriate the proceeds to the construction and equipment of the road.

SEC. 2. That hereafter every stockholder of said company shall be authorized to vote for directors at any election, whether the stock shall have been held by such persons six months prior to the election, as required by the present charter, or not; *Provided*, That the stock shall have been extended on the books of the company in the name of such person prior to the day of the election.

SEC. 3. Whenever said road has been or shall hereafter be located upon or along side of any state or county road, or where any state or county road has been or shall hereafter be located upon or along side of said railroad, with the assent of said company, said company may or may not, as they shall deem expedient and proper, protect said railroad by fencing between the track and such state or county road, leaving sufficient width of such state or county road unobstructed by such fence for the free and convenient passage of the public.

SEC. 4. All acts and parts of acts coming within the purview of this act and contravening its provisions, are hereby repealed. This act and the several sections thereof shall be in force from and after its acceptance by said railroad company.

CHAPTER XXI.

An Act to locate a State Road on the line dividing Bartholomew and Decatur Counties.

[APPROVED JANUARY 30, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Joseph Hiner, of Bartholomew county, John Turner, of Decatur county, and J. F. Draper, of Jennings county, are hereby appointed commissioners to view, mark, and locate a state road on the line dividing Bartholomew and Decatur counties, to commence three-quarters of a mile south of the north-east corner of section one in township No. ten, north of range No. seven east, thence running south on said line to intersect the Greensburgh and Scipio road in Jennings county.

SEC. 2. Said commissioners may proceed to locate said road at any time previous to the first day of May next, and shall be governed in all things by the general law now in force relative to laying out state roads.

SEC. 3. This act to be in force from and after its passage.

CHAPTER XXII.

An Act requiring the supervisors to settle with the township trustees in the county of Wells.

[APPROVED JANUARY 22, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of the road tax as may be paid into the county treasury of Wells county as belongs to each township, shall be paid to the township treasurer of said townships respectively, on or before the first Monday of May in each year, on an order drawn by the county auditor.

SEC. 2. At the time the county treasurer makes such payment, the county auditor shall certify to the township clerk the amount so paid by the county treasurer to the township treasurer, and it shall be the duty of said township clerk to record said certificate in the record book of said township, which shall stand as a charge against said township treasurer.

SEC. 3. It shall be the duty of the county auditor, on or before the first Monday of March, in each year, to make out and furnish each township clerk with a list of all town lots and lands subject to taxation, with the amount of road tax thereon, as shall appear by the duplicate of the preceding year, and the said township clerk shall, on or before the first Monday of May, in each year, make out and deliver to each supervisor in his township, a like list of his district.

SEC. 4. The township treasurer shall, so soon as he shall have received the road tax, or any part thereof, of his township, certify to each supervisor the amount in his hands belonging to said supervisor's district.

SEC. 5. The supervisor shall, upon receiving the certificate of the township treasurer, proceed to expend the moneys belonging to his district, as now provided by law, and give an order or draft upon the township treasurer for the amount of labor done by order of said supervisor, which order shall be redeemed by said treasurer to the amount of moneys in his hands belonging to said district.

SEC. 6. Whenever there shall be in the hands of any township treasurer the sum of five dollars or upwards, subject to the order of any supervisor, for the use of roads in his district, he shall give ten days' public notice of the time and place, by advertisements posted in three public places in his district, and an additional notice posted up at the usual place of holding elections in said township, that he will let to the lowest bidder, road work to the amount of funds in the hands of the treasurer aforesaid, and the said supervisor shall thereupon let to the lowest responsible bidder, such of the road work as he shall think most advantageous to the public interest.

SEC. 7. The supervisor shall keep an account of the work done by each person, and the amount of money collected by him or coming to his hands, and the source from whence the same was derived, and also an account of his disbursements, and of the objects and purposes for which said disbursements were made, and shall file a statement thereof verified by his oath or affirmation, with the township trustees, together with a list of the names of all persons in his district liable to perform highway labor, on or before the first Monday in June next after the expiration of his term of office, and shall at the same time pay to his successor in office, all road moneys remaining in his hands, and make settlement with said trustees, and said trustees are hereby authorized, upon such settlement, to allow said supervisor any sum they think reasoable, not exceeding seventy-five cents per day, for every day he may have been faithfully and diligently engaged in transacting the business of his district, after deducting his own liabilities, which shall be paid out of any moneys in the said township treasury not otherwise appropriated.

SEC. 8. It shall not be lawful for any supervisor in said county of Wells, to work out either by himself, or agent, directly or indirectly, any tax by this Act authorized to be assessed, except that charged against himself or his property, or against property on which he may at the time have a lien; nor shall it be lawful for any supervisor to give a receipt or certificate for work before said work shall have been absolutely done; nor shall it be lawful for any supervisor to give an order or orders, draft or drafts, on the township treasurer for road money, until the work for which said order or orders, draft or drafts, shall be given, shall have been completed; nor shall it be lawful for any supervisor to give a receipt or certificate for work done under the provisions of this Act, which work shall not have been done on or before the first day of November in each year.

SEC. 9. Any supervisor offending against any of the provisions of sections seven or eight of this Act, shall, upon conviction thereof, by presentment or indictment in the circuit court, be fined in any sum not exceeding one hundred dollars.

SEC. 10. All laws and parts of laws conflicting with the provisions of this act, be, and the same are hereby repealed, so far as the county of Wells is concerned.

SEC. 11. This act to take effect and be in force from and after its passage, and it is hereby made the duty of the Secretary of State to forward a duly certified copy of this act to the auditor of Wells county.

CHAPTER XXIII.

An Act to enable the qualified voters of school district number seven, in township 36, north of range three, in Laporte county, to levy a tax in said district for the purpose of building a school house.

[APPROVED JANUARY 30, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be lawful for the qualified voters of school district number seven, in township thirty-six, north of range three, west, in Laporte county, at any regular or special meeting of the voters of said district, to determine by a vote of a majority of the voters of said district, whether a tax shall be levied upon the real and personal property in said district, for the purpose of building a school house therein.

SEC. 2. It shall be the duty of the trustee or clerk of said district, to give at least ten days' previous notice of the time, place, and objects of said meeting, by posting up three written notices at different public places in the district.

SEC. 3. If a majority of all the voters of the district shall determine at such meeting to levy a tax for the purpose aforesaid, they shall also have power to determine at the same time and place, by a majority of all the legal voters in the district, the amount of tax that shall be levied each year, on each one hundred dollars valuation of real and personal property; but the aggregate amount of tax authorized under this act shall not exceed three hundred dollars, and the amount of tax determined upon by the aforesaid vote of the district, shall constitute a valid charge and lien upon the said property of the district.

SEC. 4. The district trustee shall preside at such meeting; in case of his absence, the voters present may choose one of their number to preside, and the vote hereby authorized shall be taken, and the election conducted in the same manner that other school district elections are now, by law, conducted.

SEC. 5. The district trustee shall make out a list of all the taxable property within the district, together with the names of the owners, and shall file the same, together with the votes of the meeting, directing the same to be levied, with the county auditor.

SEC. 9. The county auditor shall make the assessment, and be governed by the provisions of section 16, of an act to increase and extend the benefits of common schools, approved January 17, 1849.

SEC. 7. This act to take effect and be in force from and after its passage, and publication in the Laporte County Whig.

CHAPTER XXIV.

An Act to repeal an act therein named, so far as the same relates to the counties of Boone, Lawrence and Martin.

[APPROVED JANUARY 30, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of an act entitled "an act to amend section one hundred and one of chapter thirty eight of the revised statutes of 1843," approved January 16, 1849, as relates to deputy clerks of the circuit court, be and the same is hereby repealed so far as said act applies to the counties of Boone, Lawrence and Martin.

SEC. 2. This act to be in force from and after its passage, and the filing of a certified copys thereof in the clerk's office of the Boone, Lawrence and Martin circuit courts.

CHAPTER XXV.

An Act to correct a misprint and supply an omission in an act entitled "An Act directing the Secretary of State to make a patent to James Hensley for certain Wabash and Erie canal lands," approved January 21, 1850.

[APPROVED JANUARY 16, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That for Harrison Burnett, when the same occurs in said act, shall be substituted "Harrison Barnett," and in the fourth line of the preamble of said act, the word "west" shall be inserted between the words "north" and "quarter," so as to make the description read, "the west half of the north-west quarter of section number twenty-four," &c.

SEC. 2. The secretary of state is hereby directed to execute and deliver to the said James Hensley a patent, in conformity with the above entitled act as hereby amended.

SEC. 3. This act shall take effect and be in force from and after its passage.

CHAPTER XXVI.

An Act to repeal an act entitled "An Act to incorporate the LaGrange Phalanx," approved January 13, 1845.

[APPROVED JANUARY 28, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the act entitled "an act to incorporate the LaGrange Phalanx," approved January 13, 1845, be and the same is hereby repealed.

SEC. 2. That David B. Herriman, Ephraim Seeley, and Harvey Omsted be and they are hereby appointed commissioners to appraise and distribute among the stockholders the property of said corporation, in the manner pointed out in the fifth section of the act of incorporation. That the said commissioners be and they are hereby authorized and empowered to make all necessary deeds and transfers, and that they be required to perform the duties assigned them by the provisions of this act, between the first day of April and the first day of June, 1851; and that they be paid for their services out of the property of the aforesaid corporation.

SEC. 3. This act shall be in force from and after its passage.

CHAPTER XXVII.

AN ACT to authorize the Auditor of Clinton county to make to John Mohn a certificate of purchase for a certain tract of land in said county.

[APPROVED JANUARY 16, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the auditor of Clinton county be and the same is hereby authorized to issue a certificate of purchase to John Mohn for the east half of the north-west quarter of section No. (16) sixteen, in township No. (22) twenty-two, north of range No. two (2) west, in the said county of Clinton.

SEC. 2. This act shall be in force from and after its passage.

CHAPTER XXVIII.

An Act authorizing the Terre Haute and Richmond Rail Road Company, to issue bonds, for the sole purpose of borrowing money to complete said road and to secure their repayment by mortgaging the property of said company.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Terre Haute and Richmond rail road company, are hereby authorised to borrow money from time to time, on the credit of said company, at any rate of interest per annum to be agreed upon between the parties, for the sole purpose of constructing said road and furnishing the same with cars, locomotives, and other machinery necessary to carry on the operations of said company, and may issue its corporate bonds or promissory notes, therefor and to secure the repayment thereof with the interest which accurse, may mortgage the road, income and other property of said company, and they may by their president, or other officers or agents, sell, dispose of or negotiate such bonds, notes or stock of said company, at such times and at such places, either within or without this state, and at such rates and for such prices, as in their opinion will best advance the interests of said company, and if such bonds, notes or stock are thus sold at a discount, such sale shall be as valid and binding in every respect, as if sold at their par value; and the said company are hereby authorised to confer upon the holder of any bond or note issued as aforesaid, the right to convert the principal thereof, at any time unpaid, into the stock of said company.

SEC. 2. This act to be in force and take effect from and after its passage.

HOUSE OF REPRESENTATIVES.

Returned with objections of the Governor, Jan. 8th, 1851. Passed, the objections of the Governor to the contrary notwithstanding.

W. R. BOWES, *Clerk H. R.*

SENATE.

Jan. 8, 1851.—Passed, the objections of the Governor to the contrary notwithstanding.

F. EMERSON, *Sec. Sen.*

CHAPTER XXIX.

An Act to change the name of the town of Rochester, in Franklin county, Indiana, to Cedar Grove.

[APPROVED JANUARY 16, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the name of the town of Rochester, in Franklin county, be and the same is hereby changed to Cedar Grove, (the name of the post-office in said place.) This act to be in force from and after its publication in the Indiana State Sentinel and Journal.

CHAPTER XXX.

An Act to authorise the appointment of a guardian of the person and estate of the person therein named and for other purposes.

[APPROVED JANUARY 6, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the probate court of the county of Marion in term time, or the clerk thereof in vacation, upon application, and upon filing in said court, or in the office of said clerk, the affidavit of the superintendent of the Indiana hospital for the insane, of the continued insanity of Cornelia Ferree widow of Cornelius Ferree late of said county of Marion deceased, shall appoint some suitable person, guardian of the person and estate of said Cornelia Ferree; that the person so appointed shall give bond and security to the acceptance of said court or clerk, in the penalty of double the supposed value of the estate of said Cornelia which may come into the hands of such guardian and with condition as in other cases of guardianship.

SEC. 2. The guardian thus appointed, shall take an oath for the faithful and honest discharge of the trusts and duties devolving upon him, and shall have power to select the portion of said Cornelia in the personal estate of said Cornelius Ferree, deceased, and to petition for are have the dower of said Cornelia as the widow of said Cornelius Ferree deceased in the real estate of the deceased, assigned and set off to her, in the same way and manner as she could do were she sane and competent to transact her own business, and also to do and perform all other acts and things which shall be necessary for the safe keeping, and due application of such dower or other estate of said Cornelia which shall come into the hand of such guardian.

SEC. 3. This act to take effect and be in full force from and after its passage.

CHAPTER XXXI.

An Act legalizing the proceedings of a certain Plank Road Company.

[APPROVED JANUARY 28, 1851.]

WHEREAS, The plank road act, approved January 15, 1849, (page 88,) was amended by an act approved January 16th, 1850, (page 148,) so that the word "Recorder" should read "Auditor" in section 1 and 14 of said act first mentioned.

AND WHEREAS, The first mentioned act was again amended by an act approved January 21, 1850, (page 146,) so that the word "Recorder" was again restored to the first section of said first mentioned act.

AND WHEREAS, The Rockport and Gentryville plank road company was organized in Spencer county, on the 25th day of November, A. D. 1850, but under a misapprehension of the meaning and intent of the foregoing act and amendments the articles of association of said company were filed in the auditor's office of said county instead of the recorder's office of said county, therefore:

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the acts of said company in filing their articles of association with the auditor aforesaid be and they are hereby legalized, and the organization of said company shall be in every respect as fully confirmed and legalized as if said articles of association had been filed in the recorder's office of said county.

SEC. 2. This act to be in force from and after its passage.

CHAPTER XXXII.

An Act to repeal an Act therein named.

[APPROVED JANUARY 28, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That so much of an act entitled "An Act to amend section 101 of chapter 38 of the Revised Statutes of 1843," approved January 16th, 1849, as relates to deputy clerks be and the same is hereby repealed so far as the counties of Allen and Lawrence are concerned.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER XXXIII.

An Act to amend section 29 of the act to incorporate the Fort Wayne and Columbia Plank Road Company.

[APPROVED JANUARY 28, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That section 29 of the act to incorporate the Fort Wayne and Columbia plank road company be, and the same is hereby amended, as follows, viz: Insert after the word charter, where it occurs in said section, "when any of its provisions are violated."

SEC. 2. This act to be in force from and after its passage and publication.

CHAPTER XXXIV.

An Act to change the name of Melissa Jane Gillespie to that of Melissa Jane Blair.

[APPROVED JANUARY 10, 1851.]

SECTION 1. *Be it enacted by the General Assembly to the State of Indiana,* That the name of Melissa Jane Gillespie, of Noble county, be and the same is hereby changed to that of Melissa Jane Blair.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER XXXV.

An Act to vacate the streets and alleys in the town of Fairview, Montgomery county.

[APPROVED JANUARY 28, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the streets and alleys in the town of Fairview, in the county of Montgomery, be, and the same are hereby vacated, and the recorded town plat of said town rendered null and void.

SEC. 2. This shall be deemed and taken to be a public act, and be in force from and after its passage.

CHAPTER XXXVI.

An Act to legalize the election of Samuel Geisinger to the office of County Treasurer of Elkhart county.

[APPROVED JANUARY 29, 1851.]

WHEREAS, Samuel Geisinger was, at the August election within the year eighteen hundred and fifty, elec ed treasurer of Elkhart county, and received his certificate of election, and prior to the next regular meeting of the board of county commissioners after receiving his said certificate filed his official bond, which was approved and accepted by the said board; and

WHEREAS, The said Samuel Geisinger has taken the oath of office; but not within the time required by law; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the election of the said Samuel Geisinger to the office of treasurer of Elkhart county is hereby legalized, and the said Samuel Geisinger is hereby declared to be, and is legally qualified to enter upon the discharge of the duties of said office.

SEC. 2. This act to be in force from and after its passage. And it is hereby made the duty of the secretary of state to make two certified copies of said act and transmit one to the clerk of the Elkhart circuit court, to be filed in his office, and the other to the said Samuel Geisinger.

CHAPTER XXXVII.

An Act to further amend an act entitled "An Act to incorporate the Michigan Road Company," approved Jan. 13, 1845, and for other purposes.

[APPROVED JANUARY 25, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That sections eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen and twenty of the above entitled act, and so much of section nineteen of the same act as restricts said company from selling any lands belonging to them at any price not less than the appraised value thereof, be and the same are hereby repealed.

SEC. 2. *Be it further enacted*, That so much of section twenty-

nine of said act as permits the state to purchase the stock of said company, and so much of section 38 as allows a repeal of said charter by the legislature be and the same is hereby repealed.

SEC. 3. *And be it further enacted*, That in the thirty-seventh section of said act the word "and" is substituted for the word "as" where the latter word follows the words "contingent expenses," and said section is hereby further amended so as to allow said company on the first Mondays in January and July in each year, on the completion of any and every section of five miles of said road, and ever thereafter to declare and make such dividends upon the parts completed, as they may deem proper.

SEC. 4. Section three of said act is hereby so amended as to entitle the holder of any share or shares in the stock of said company to one vote for every share, in all elections held by the stockholders.

SEC. 5. In the collection of any penalty provided for in said act, the defendant shall not be entitled to the benefit of the valuation or appraisement laws, and the several toll collectors of said company are hereby authorized to arrest without process any person who shall be guilty of the violation of any of the rights of said company as pointed out in section twenty-seven of said act, and to take such offender before any justice of the peace of the county wherein such violation or offence may have been committed, to be dealt with as provided in said section twenty seven; and for all wrongful and oppressive acts of said collectors in making such arrests the said company shall be liable.

SEC. 6. The sixth section of chapter 213, approved January 19, 1846, on page 236 of local laws, is hereby repealed.

SEC. 7. The provisions of this act shall extend to and be construed with the several acts amendatory of the said act incorporating the Michigan road company.

SEC. 8. It shall be lawful for said company to cede and transfer to any other company that may be organized under the provisions of "An Act authorizing the construction of plank roads," or that may be incorporated by act of this General Assembly, upon such terms as may be agreed on the south half of said road extending from Indianapolis north by estimation thirty-five miles, together with all the rights, privileges, powers and immunities belonging to, possessed and enjoyed by the said Michigan road company, so far as said south half of said road is concerned.

SEC. 9. This act shall take effect and be in force from and after its passage.

CHAPTER XXXVIII.

An Act authorizing the Probate Judges of Hamilton county to appoint an administrator on the estate of John S. Massey.

[APPROVED JANUARY 28, 1851.]

WHEREAS, John S. Massey, late of Hamilton county, deceased, in his life-time purchased of Stephen Cary a certain promissory note, which said note the said deceased in his life-time sold and transferred by endorsement to Francis B. Coswell and Jesse Luty.

AND WHEREAS, The said Cosswell and Luty, after the death of the said Massey, sued the makers of the said note, and upon a plea of failure of consideration, judgment was rendered against said Cosswell and Luty;

AND WHEREAS, By virtue of the statute law of 1848, the widow of said deceased was put in possession of all the property of her said husband without the appointment of an administrator.

AND WHEREAS, By the existing laws the said note cannot be recovered by a suit at law on the original payee, therefore:

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the probate court of Hamilton county shall at any term of said court which may hereafter be held, appoint some suitable person to administer on the estate of John S. Massey, late of Hamilton county, deceased.

SEC. 2. The said administrator shall not take into his possession or in any way interfere with the personal property that the widow of said deceased is now in possession of.

SEC. 3. It shall be the duty of the said administrator to take an inventory of all the notes and accounts of said deceased and also all the debts outstanding against said estate and pay and make settlement of the debts of the same and administer thereon in all respects as fully as if he had been appointed under the general laws of the state.

SEC. 4. All laws coming in conflict with this act are hereby repealed.

SEC. 5. This act shall be in force from and after its passage.

CHAPTER XXXIX.

An Act to amend the act to incorporate the trustees of the Indiana Asbury University approved January 10, 1837.

[APPROVED JANUARY 15, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of the 5th section of the act above recited, which requires the treasurer's bond to be acknowledged in the Putnam circuit court be and the same is hereby repealed, and that in future such acknowledgment shall be before the Marion county circuit court.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER XL.

An Act for the benefit of the New Albany and Salem Rail Road Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be lawful for the New Albany and Salem rail road company to borrow money for the objects of the organization of said company either within or without the state of Indiana at such rate of interest and upon such terms in all respects as may be agreed upon by the parties to such loans. And said company shall also have full power and authority to mortgage or pledge any part or all of the corporate property of said company as a security upon any such loan or loans.

SEC. 2. *And be it further enacted*, That said company shall have full power and authority to issue bonds or other evidences of debt for the purpose of raising money for the objects of such organization and bearing such rate of interest as said company may deem advisable and such bonds or other evidences of debt may be sold or otherwise disposed of by said company in raising money or in procuring labor and materials in the prosecution of the objects of such organization upon such terms and upon such rates as may be agreed upon by the parties, and if such sale or other disposition of such obligations or other evidences of debt, shall be at a discount the same shall remain as valid and binding in every respect as if sold at par value.

SEC. 3. *And be it further enacted*, That all laws coming in conflict with the provisions of this act be and the same are hereby repealed.

SEC. 4. This act is hereby declared a public act and to be in force from and after its passage.

SENATE.

Jan. 8, 1851.—Returned with the objections of the Governor, and passed, his objections to the contrary, notwithstanding.

F. EMERSON, *Sec'y Senate.*

HOUSE OF REPRESENTATIVES.

Jan. 8. 1851.—Passed, the objections of the Governor to the contrary, notwithstanding.

WM. R. BOWES, *Clerk H. R.*

CHAPTER XLI.

An Act to amend An Act entitled "An Act to incorporate the Richmond and Miami Railroad Company," approved January 19, 1846.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That an act entitled an act to incorporate the Richmond and Miami Railroad Company, approved January 19, 1846, be and the same is hereby amended, enlarged and extended so as to authorize the president and directors of the said Richmond and Miami Railroad Company, under all the rights, privileges, powers and provisions contained in said act, to construct a branch railroad from a suitable point on the said Richmond and Miami railroad to that point on the Ohio and Indiana state line to which the Dayton and Western Railroad Company in Ohio have or may hereafter locate their railroad.

SEC. 2. That whenever a sufficient amount of stock is subscribed to prepare the said branch road for the superstructure, it shall be the duty of the president and directors of said Richmond and Miami Railroad Company to proceed in the prosecution of said work with the stock subscribed for that purpose, with such dispatch as will secure the completion of said branch by the time the said Dayton and western railroad is completed, if means sufficient are afforded.

SEC. 3. And for the purpose of enabling the said company to construct, equip, and complete said work contemplated in said act of incorporation, and in this amendment, it shall be lawful for them to increase subscriptions in labor, materials, and real and personal property, to be made by deed or otherwise, in such manner, and upon such terms, stipulations, conditions and agreements as they

may deem to the interest of said company, to be by said company used, disposed of, sold and conveyed by deed or otherwise for the advancement of the object herein contemplated.

SEC. 4. And for the purpose of enabling said company to complete said road and furnish the same with locomotives, cars and other necessary appendages, they may issue bonds of any denomination not less than fifty dollars, and to an amount not exceeding one hundred thousand dollars, drawing interest at any rate not exceeding seven per cent., principal and interest to be paid at such time or times, place or places, as said company may deem expedient, and said bonds to be disposed of at such rates of discount as may be agreed upon; said bonds to be signed by the president and counter-signed by the secretary, and the same may be made a lien on said road by mortgage or otherwise, as said company may deem expedient.

SEC. 5. The facilities for transportation on said railroad shall be fair and equal to all railroads coming into and connecting with the same, subject, however, to such restrictions and limitations in said privileges as two-thirds in value of the stockholders at general meeting may determine.

SEC. 6. If at any time hereafter the stockholders in the said Richmond and Miami Railroad Company should desire to consolidate their stock and charter with the Terre Haute and Richmond Railroad Company, or the Dayton and Western Railroad Company, each or either of them, they are authorized to do so on such terms as said companies may agree upon, and adopt such name for said consolidated company they choose; after which, said consolidated company shall be as fully invested with all the rights, powers and privileges, and subject to all the restrictions, to the whole extent of the road or roads embraced in said consolidation, as though the same had been incorporated under one charter, with the right to adopt the charter or charters, or part of either or all of said charters as said company may choose: *Provided, however*, that [no] consolidation shall ever be made to deprive railroad companies connecting or coming into the said Richmond and Miami railroad from the use of the same for the purposes of transportation, upon as fair and equitable terms as if no such consolidation had been made.

SEC. 7. That section ten of said act of incorporation be and the same is hereby so amended as to require the justice of the peace to select the twelve persons therein named from any part of the county, and in all cases when said jury return damages, and if they should not return damages to the land owners and the said land owners should appeal from such assessment or return, the said company may file a bond with said justice, payable to said land owner in the penal sum of two thousand dollars, conditioned for the pay ment of all damages, if any, that may be finally awarded in the premises after said bond is filed as aforesaid, the said company may proceed in the construction of said road on said land, as fully as though

they had procured the right thereto, and no form of writ or proceeding at law or chancery shall issue or be instituted to hinder, stop, or delay said company in said work, or if said company should appeal and file a similar bond, they may then proceed as aforesaid.

[The foregoing bill was presented to me on the 15th of January, 1851, for my approval. It has not been approved, nor returned to the Senate with my objections down to the 24th day of January, 1851, and has therefore become a law.]

JOSEPH A. WRIGHT.

CHAPTER XLII.

An Act for the relief of Amasa Hazen, of Ripley county.

[APPROVED JANUARY 15, 1851.]

WHEREAS, It is represented to this general assembly that Hannah Wilkison, widow of Thomas Wilkison, deceased, has sold and deeded to Amasa Hazen forty acres of land, lying in said county, believing she had the power to sell and convey the same in fee simple;

AND WHEREAS, Doubts exist as to the validity of said title, because the said Thomas was at the time of his death an alien; wherefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That all right, title and interest which the State of Indiana has in and to the said forty acres of land, to-wit: the north-west quarter of the north-west quarter of section thirty-three (33), in township ten (10), north of range thirteen (13) east, lying in the county of Ripley, in the state of Indiana, be and the same is hereby released and conveyed to the said Amasa Hazen, his heirs and assigns forever.

SEC. 2. This act to be in force from and after its passage.

CHAPTER XLIII.

An Act to change the name of the town of Nicklesonville.

[APPROVED JANUARY 23, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the name of the town of Nicklesonville in Hamilton county be and the same is hereby changed to that of Clarksville.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER XLIV.

An Act to amend An Act entitled "An Act to incorporate the Junction Railroad Company," passed 8th day of February, 1848.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the said Junction Railroad Company are hereby authorized and empowered to borrow money, from time to time, on the credit of said company, at any rate of interest per annum to be agreed on between the parties, for the sole purpose of constructing said road and furnishing the same with locomotives, cars, and other necessary machinery to carry on the operations of said company; and said company may issue its corporate bonds or promisory notes therefor; and to secure the repayment thereof, with the interest which accrues, may mortgage the road, income and other property of said company, and they may, by their president or other officers or agents, sell, dispose of, or negotiate such bonds, notes or stocks of said company, at such times and at such places, either within or without this state, and at such rates and for such prices as in their opinion will best advance the interests of said company, and if such bonds, notes or stocks are thus sold at a discount, such sale shall be valid and binding in every respect as if sold at their par value, and the said company are hereby authorized to confer upon the holders of any bond or note issued as aforesaid the right to convert the principal thereof at any time unimpaired into stocks of the said company.

SEC. 2. That said company is hereby empowered and authorized to receive subscriptions to their capital stock in real estate, materials and labor for the construction of said road, and that all subscriptions already made, payable either in real estate, materials or labor to said company, shall be deemed valid and binding on the

parties so subscribing, according to the subscription; and if the value or price thereof cannot be agreed on by and between the company and the party so subscribing, each party shall select one freeholder, a resident of the county in which the party so subscribing resides, as arbitrators, to value and fix the price of said real estate, materials or labor; which arbitrators, when they cannot agree, shall choose a third as umpire, whose award shall be binding on said parties, and when made a rule of court, shall have all the force and effect of a judgment at law.

SEC. 3. The signature of the president of said company, attested by the secretary shall be deemed full evidence and authentication of any act of the company, unless it may be in such cases as the by-laws may require to be authenticated by the common seal of the company, and such a seal they are authorized to devise, adopt and use.

SEC. 4. This act to be in force from and after its passage.

[The foregoing bill was presented to me on the 22d day of January, 1851, for my approval. It has not been approved by me, nor returned to the Senate with my objections, up to this day, and has therefore become a law under the constitution.]

Jan. 29, 1851. JOSEPH A. WRIGHT.

CHAPTER XLV.

An Act to change the name of Nancy Ann Kelso, of Dubois county, to Nancy Ann McMahan.

[APPROVED JANUARY 15, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the name of Nancy Ann Kelso, of Dubois county, formerly the wife of William D. Kelso, be and the same is hereby changed to Nancy Ann McMahan, her maiden name, and by said name of Nancy Ann McMahan, she shall hereafter be known and legally described.

SEC. 2. This act shall be in force from and after its passage.

CHAPTER XLVI.

An Act to amend An Act entitled "An Act to incorporate the town of Patriot, in Switzerland county, and legalize the action of the collector of said town.

[APPROVED JANUARY 15, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the act entitled an act to incorporate the town of Patriot, in Switzerland county, Indiana, approved January 16, 1848, be and the same is hereby amended as follows: strike out in the last line of the 28th section, the words, "fifteenth day of October," and insert instead thereof, the words, "first day of April."

SEC. 2. That it shall be lawful for the collector of said town of Patriot to make the collections and returns for the year 1850, required to be made by the 28th section of the act to which this is an amendment, at any time before the first day of April, 1851.

SEC. 3. This act shall take effect and be in force from and after its passage.

CHAPTER XLVII.

An Act for the relief of certain persons therein named, in Warren county.

WHEREAS, John R. Harris, as school commissioner of the county of Warren and state of Indiana, gave his official bond, which was dated and filed on the 29th day of October, A. D., 1837, with Isam Hiatt, Luther Tillotson, Clark Benson, David Brier, William Burk, Thomas Clawson, Stephen Schoonover, George Brier, Jacob Dils, Thomas Collins, David Bigalow, James L. Johnson, Christopher M. Wood, Abel P. Potter, Augustus Watson, William Smily, John Seamans, Henry Oungst, William Taylor, and Jacob Miller as his securities; and

WHEREAS, Suits have been instituted from time to time against the said securities and the survivors of them, for the amount of an alleged default of the said John R. Harris, all of which said suits have been determined in favor of said sureties; Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the said Isam Hiatt, Luther Tillotson, Clark Benson, David Brier, William Burk, Thomas Clawson, Stephen Schoonover,

George Brier, Jacob Dils, Thomas Collins, David Bigalow, James L. Johnson, Christopher M. Wood, Abel P. Potter, Augustus Watson, William Smily, John Seamans, Henry Oungst, William Taylor, and Jacob Miller, and the heirs and legal representatives of such of them as may have deceased, be, and they are hereby released from all liability by virtue of their being securities upon the official bond of said John R. Harris.

SEC. 2. The several courts in this state are hereby directed and required to take no cognizance or jurisdiction of any suit or suits which have been or which may hereafter be instituted against the said securities or their heirs or representatives for or on account of suretyship as aforesaid.

SEC. 3. That the provisions of this act are not to extend to the said John R. Harris, his heirs or legal representatives.

SEC. 4. *Be it further enacted*, That nothing in this act shall be construed as to defeat the inhabitants of any congressional township which reside or are in Tippecanoe or Fountain counties, or any inhabitants of said counties who have any right of action upon said official bond to sue on the same and to use the name of the state or the name of the inhabitants of any congressional township either in Fountain, Warren, or Tippecanoe counties to enforce the same, and should the court render judgment in favor of such inhabitants or the inhabitants of said congressional township, it shall be the duty of the court to ascertain the portion so properly coming to or due such inhabitants or to the inhabitants of such congressional township in Tippecanoe or Fountain counties, and render a judgment for the portion due the inhabitants of Tippecanoe alone, and as to the residue, the court shall render judgment in favor of defendants.

SEC. 5. This act to take effect and be in force from and after its passage.

SENATE.

Dec. 31, 1850.—Received and laid on table. Jan. 9, 1851.—Taken up and passed, notwithstanding the Governor's objections.

F. EMERSON, *Sec. Sen.*

HOUSE OF REPRESENTATIVES.

Jan. 10, 1851.—Taken up and passed, notwithstanding the Governor's objections.

W. R. BOWES, *Clerk H. R.*

CHAPTER XLVIII.

An Act to authorize the extension of the New Castle and Richmond Rail Road.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the New Castle and Richmond rail road company be and is hereby authorised to extend the New Castle and Richmond rail road from New Castle in Henry county to intersect the Peru and Indianapolis rail road or the Lafayette and Indianapolis rail road, at such point on said roads as said New Castle and Richmond rail road company may determine upon.

SEC. 2. All the franchises, rights, powers, privileges, and immunities, granted to said New Castle and Richmond rail road company by the charter thereof, shall in all things, apply and extend to the extension of said road hereby authorized: *Provided*, That said extension shall be completed within ten years from the passage of this act.

SEC. 3. Said New Castle and Richmond rail road company shall at such time as it may deem proper, open books for the subscription of stock for the extension of said road hereby authorized, or for such part thereof as may be designated by said company, and the stock so subscribed and the proceeds thereof, shall be applied exclusively to such extension.

SEC. 4. It shall be the duty of said company to keep separate accounts of the stock subscribed for the construction of said road from New Castle to Richmond, and that subscribed for the extension for the said road hereby authorized and also separate accounts for the construction and stocking the same; and separate dividends threreof shall be declared, until said road and extension are completed, and the expenses of construction and stocking fully paid.

SEC. 5. That as soon as said road and extension shall be completed and stocked, and the extension therefor fully paid, as above provided; then the same shall be regarded and held as one entire road, and the proceeds and profits thereof shall constitute a common fund, and equal dividends declared on all the stock in common.

SEC. 6. When said company shall commence the construction of the extension hereby authorized two additional directors of said company shall be elected by the stockholders thereof at the first annual election of directors thereafter and the subscribers of stock for the extension of said road shall be eligible for directors of said company and shall be allowed to vote for directors of said company in the same manner and with the same restrictions as the subscribers of stock to and under the original charter of said company.

SEC. 7. The said New Castle and Richmond rail road company are hereby authorized to borrow money from time to time on the credit of said company at any rate of interest per annum to be agreed upon between the parties for the sole purpose of constructing

said road and extension thereof hereby authorized and furnishing the same with cars, locomotives, and other machinery necessary to carry on the operations of said company, and may issue its corporate bonds or promissory notes therefor, and to secure the repayment thereof with the interest which accrues, may mortgage the road, income, and other property of said company, and may by its president or other officers or agents, sell, dispose of, negotiate such bonds, notes or stocks of said company, at such times and such places, either within or without the state, and at such rates, and for such prices as in their opinion will best advance the interests of said company, and if such bonds, notes or stocks, are thus sold at a discount, such sale shall be as valid and binding in every respect, as if sold at par value, and the said company is hereby authorized to confer upon the holders of any bond or note issued as aforesaid the right to convert the principal thereof at any time unpaid, into the stocks of the company: *Provided*, The said company shall not have authority to issue bonds of a less denomination than fifty dollars.

[The foregoing bill was presented to me on the 15th day of January, 1851, for my approval. It has not been approved, nor returned to the Senate with my objections, down to this the 24th day of January, 1851, and has therefore become a law.]

JOSEPH A. WRIGHT.

CHAPTER XLIX.

An act authorizing Reason W. Prather to drain certain low lands therein mentioned.

[APPROVED JANUARY 15, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Reason W. Prather, of Bartholomew county, be and he is hereby authorized to construct a ditch across the state road leading from Columbus, in Bartholomew county, to Rockford, in Jackson county, in section five in township seven, north of range six east, of sufficient depth, length, width and capacity to drain the low grounds in said section, so that the waters will flow from said low grounds into a natural channel: *Provided, however*, That the said Prather shall, without delay, construct a bridge on said road across said ditch of sufficient width, strength and capacity for the safe and convenient passage of all persons, teams and vehicles using or traveling said road.

SEC. 2. Whenever said ditch shall be completed, the same shall not be obstructed under the same penalties now prescribed against persons obstructing public highways.

SEC. 3. Should any owner or owners of any of the lands affected by the construction of said ditch, consider the same an injury to said land, said owner or owners may, within one year after the same is made, file with any justice of the peace of the township in which the same is situated, his claim for such damages; whereupon, said justice shall issue a summons to three disinterested freeholders, requiring them within a time to be therein specified, to examine personally the alleged damages, and report to him, under oath, the amount thereof, if any; for which amount, and all reasonable costs to be fixed by him, said justice shall render judgment; which said judgment shall be conclusive and final between the parties.

SEC. 4. If no claim for damages shall be made as above specified, within the time aforesaid, such failure shall be construed to be a relinquishment of all claim for damages.

SEC. 5. This act to be in force from and after its passage.

CHAPTER L.

An Act to amend An Act entitled "An Act to incorporate the Richmond and Williamsburgh Turnpike Company," approved January 16, 1849.

[APPROVED JANUARY 21, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the said Richmond and Williamsburgh Turnpike Company shall have the right to establish the rates of toll on any portion of said road as they may think proper, not exceeding the rates of toll per mile charged on said road, those who pass through the gates, and may demand, sue for, and collect tolls of all persons who may use any portion of said road lying between gates, even though such person or persons may not pass through any gate; and when any person uses said road between gates, and refuses to pay therefor, after demand made by any authorized agent of said company, said company may bring suit therefor, in an action of assumpsit, before any justice of the peace in Wayne county, and recover said toll, and three fold the amount thereof in damages against said person.

SEC. 2. All elections for the election of a board of directors shall hereafter be held on the second Monday of January of each and every year, and the present board of directors shall continue in office until the second Monday of January, 1852, and perform all the duties of such board of directors as fully and to all intents and purposes as if elected at the time specified in said charter.

SEC. 3. The said company shall have power to mark out, locate and construct a turnpike road, commencing at or near a point on said road, where the road from Richmond to Washington, in Wayne county, leaves said road, and from thence to a point on the Centerville and Williamsburgh turnpike at or near Canaday's Corner, and for this purpose shall exercise all the rights and privileges enjoyed by said company in the charter to which this is an amendment.

SEC. 4. This act to be in force from and after its publication in the Richmond Palladium.

CHAPTER LI.

An Act to change the name and extend the corporate privileges of the Perry Cotton Mill at Cannelton.

[APPROVED JANUARY 21, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the name of the Perry Cotton Mill Company be changed to "The Carlisle Manufacturing Company," and by that title it shall be hereafter known and designated.

SEC. 2. *Be it further enacted*, That said company be authorized, in addition to their present privileges of manufacturing cotton and other goods, to mine and sell coal on their lands, and to erect buildings thereon and furnish them with steam or other motive power, to be by said company leased and used for mechanic and manufacturing workshops, to promote shop manufactures and the productions of mechanical labor and skill in the town of Cannelton.

SEC. 3. This act shall form a part of the charter of said corporation, and continue in force as a public act for the term of fifty years from the 15th day of February, A. D., 1848, the date of said charter.

CHAPTER LII.

An Act to repeal section one of an act approved January 19, 1850, "of An Act entitled An Act to amend An Act entitled An Act to incorporate the city of Indianapolis," approved May 27, 1848.

[APPROVED JANUARY 15, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section one of an act entitled "an act to amend an act entitled an act to incorporate the city of Indianapolis," approved May 27, 1848, be and the same is hereby repealed.

SEC. 2. This act to be in force from and after its passage and publication in the Indiana State Sentinel and State Journal.

CHAPTER LIII.

An Act to incorporate the Cannelton Levee and Draining Company.

[APPROVED JANUARY 21, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Bernard Herzeele, Thomas M. Smith, Charles H. Mason, F. Y. Carlile, and their associates, successors, and assigns be, and they are hereby made a body corporate, by the name of the Connelton Levee and Draining Company, for the purpose of constructing a levee around that portion of the town of Connelton subject to inundation from the highest freshets of the Ohio river and its tributaries; and also for the erection of suitable draining machines and sluceways for the discharge of water that may accumulate within the levee; and for this purpose shall have all the powers and privileges, and be subject to all the duties and requisitions contained in the statute of 1843, chapter thirty-two, article second, respecting corporations.

SEC. 2. *Be it further enacted*, That the capital stock of said corporation shall not exceed the sum of twenty thousand dollars, and said corporation may acquire and be seized and possess lands whereon to construct said levee, and shall have all the rights of entry and of way granted by law to plank and other roads, and be subject to the restrictions of the law respecting said roads, for the construction of said levee. And said corporation shall have power and authority to assess, in rateable proportions, and collect annually, all lands and

buildings protected from overflow by said levee, such assesments as will pay the annual cost of maintaining and operating the draining machine, the repairs of the levee, and an interest not exceeding ten per cent. per annum of the original cost of the works.

SEC. 3. *Be it further enacted*, That the county commissioners of Perry county shall, on the application of said corporation, or of any person owning property subject to assessment by this corporation, appoint three disinterested householders of said town of Connelton to value all the property liable to assessment for levee dues under this charter, embracing all lands and buildings within the area of the highest floods protected by the levee, who shall return their valuation to said board of commissioners, and the assessment for each year shall be fixed at a uniform per centum of such valuation on all the property assessed. These valuations shall not be required oftener than once in two years.

SEC. 4. This act shall take effect and be in force as a public act during the term of fifty years from and after its passage, unless the said corporation shall be sooner voluntarily dissolved by the stockholders, of which due notice shall be given.

CHAPTER LIV.

An Act to amend An Act entitled "An Act to incorporate the town of Noblesville," approved January 19, 1850.

[APPROVED JANUARY 15, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the said act be so amended that the legal voters of the said town of Noblesville may meet at any time that a majority of the voters of said town may designate, and organize the said corporation.

SEC. 2. Before such organization shall be effected, ten days' notice shall be given by posting up written or printed notices in twelve different public places in said town, designating a time and place when and where the said voters shall be required to meet for the purpose of taking the sense of the said voters upon the subject of such incorporation.

SEC. 3. Upon the assembling of such voters, they shall proceed to select inspectors, judges, and clerks, as provided in section two of the act to which this is an amendment.

SEC. 4. It shall be the duty of the inspector and judges of said election, to open a poll for the purpose of ascertaining whether a majority of said voters shall be in favor of incorporating said town.

SEC. 5. Each voter shall vote at said election by ballot, and shall endorse thereon, if he be in favor of such incorporation, the word —"Corporation"—and if opposed—"no corporation"—and if there be a majority of voters [votes] in favor of such incorporation the inspector shall proclaim the same aloud, and also notify the voters of said town by advertisement as aforesaid, of the time and place when an election will be held to effect such organization.

SEC. 6. This act shall be in force from and after its publication.

CHAPTER LV.

An act to consolidate and publish in one act the several acts incorporating the city of Lawrenceburgh, and to revise and amend the same.

[APPROVED FEBRUARY 14, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of Dearborn county as is contained within the following boundaries to-wit: Beginning on the Ohio River at low water mark, at a point where a straight line would terminate, drawn from the eastern side of the tumble of the White Water Valley Canal thence following the eastern bank of the waste-way of said canal to its junction with the main canal, thence along the eastern bank of said canal to the centre of the Trough Pond, (as it is called) thence in a straight line to the west bank of Tanner's creek, where the northern line of the old grave yard would terminate, thence following the meanderings of said creek to a point on the line between the lands formerly owned by A. P. Hubbs and David Nevitt, thence on a direct line to the Ohio River at low water mark to the eastern line of Norval Sparks' lands, thence following the meanderings of the Ohio River at low water mark to the place of beginning, shall be and hereby is declared to be a city, and the inhabitants thereof are created a body corporate and politic with perpetual succession by the name and style of "the City of Lawrenceburgh" and as such by that name, shall be capable in law of contracting and being contracted with, sueing and being sued, pleading and being impleaded, answer and being answered unto, in all courts and places, and in all matters whatsoever, and also of purchasing, using, accepting, enjoying, and conveying real and personal estate, and may have and use a corporate seal and change, alter and renew the same at pleasure, and shall be competent to have, exercise and enjoy all the rights, immunities, powers

and privileges, and be subject to all the duties and obligations incumbent upon and appertaining to a municipal corporation.

Sec. 2. The said city shall be divided into three wards as follows to-wit:

The first ward shall include all the part of said city as before described, lying north-east of a line draw through the centre of Gray's alley.

The second ward shall include all of said city between what is called Newtown and the Ohio River and south-west of Gray's alley.

The third ward shall include all the territory not in the wards before described, commonly called Newtown, and the common council may at any time increase the number of wards, and alter and establish the boundaries thereof in such manner as may be deemed expedient for the public welfare.

Sec. 3. That all legislative and judicial power herein granted shall be vested in the Mayor and city council, to be chosen by the qualified voters of said city as herein-after provided.

Sec. 4. That the Mayor of said city shall be elected by the qualified voters thereof, on the first Monday in April, and shall hold his office for the term of three years from the date of his certificate and until his successor shall be elected and qualified: it shall be his duty to be vigilant and active at all times in causing the laws and ordinances of said city to be put in force and duly executed, to inspect the conduct of all subordinate officers in the government thereof and as far as in his power to cause all negligence, careless and positive violation of duty to be prosecuted and promptly punished: he shall keep the seal of said city, sign all commissions, licences, and permits which may be granted by or under the authority of the city council, and shall keep an office in some convenient place in said city to be provided by the city council, he shall perform such duties and exercise such powers as from time to time may devolve upon him by the ordinances of said city, and generally to do and perform all such other duties and exercise such other powers as pertain to the office of justice of the peace: he shall in his judicial capacity have exclusive original jurisdiction of all cases for the violation of the ordinances of said city, and civil and criminal jurisdiction in all cases where by the laws of this State, justices of the peace, within the township of Lawrenceburgh, are, or shall be authorized to hear and determine or in any manner have power to act; and for the due and efficient exercise of the power herein and hereby vested in him, he shall have power, and it shall be lawful for him to award all such process, and issue all such writs as may be necessary to enforce due administration of right and justice throughout said county, and for the lawful exercise of his jurisdiction, agreeably to the usages and principles of law, and the Mayor of said city as *ex officio* justice of the peace shall have power and jurisdiction in cases brought before him in debt and assumpsit, when the defendant resides in said county of Dearborn or may be found therein, without regard to the township in which the defendant resides, in all cases

where the note, bill, bond or other obligation sued on was was made in the township of Lawrenceburgh in said county, or the debt was contracted or cause of action arose in said township, and for such purpose shall have power to issue all process and writs to run throughout said county, to enable him fully to hear and determine such cases and to collect judgments rendered by him.

Sec. 5. Said mayor shall have the same power to issue process in all cases within his jurisdiction, and shall proceed in the same manner and be entitled to the same fees as justices of the peace; he shall keep a docket, which in all respects shall have the same effect as the docket of a justice of the peace, and parties to any suit before him as *ex officio* justice of the peace, shall have a right to a change of venue, to be tried by a jury, and to appeal to the circuit court, as if the suit were instituted and pending before a justice of the peace; said mayor shall receive for his services as such an annual salary, to be paid out of the city treasury and to be allowed by the city council, which salary shall not be less than one hundred dollars per year, to be paid quarterly as the services of said mayor shall be rendered. Said mayor shall, before entering upon the duties of his office, give bond payable to the State of Indiana, in the penal sum of five thousand dollars, conditioned for the faithful discharge of his said duties as mayor and *ex officio* justice of the peace, and the safe keeping and payment of all monies that may come into his hands by virtue of his said office; said bond to be deposited in the clerk's office of the Dearborn circuit court; and for the violation of any duties of said mayor of said city the said city of Lawrenceburgh or any other corporation or individual may have his suit in the proper court in the name of the State of Indiana on the relation and for the use of such corporation or person, and shall recover such sum or sums as may be justly due from said mayor and his securities to the same extent, in the same manner and with the same penalties as is provided in cases of justices of the peace.

Sec. 6. That the qualified electors in each ward in said city, shall, on the first Monday in April annually elect one councilman, who shall have resided in said city three years, and shall have been a free holder therein one year next preceding the election, and shall be residents and inhabitants of the ward in which they shall be elected; and the mayor and councilmen, when assembled together and duly organized shall constitute the city council. A majority of the councilmen shall at all times be necessary to constitute a quorum for the transaction of business; they shall be judges of the election returns and qualifications of their own members; shall determine the rules of their own proceedings and keep a record thereof, which shall be open to the inspection and examination of every citizen, and may compel the attendance of absent members, in such manner and under such penalties as they shall think fit to prescribe. The mayor when present shall preside at all the meetings of the city council, and in case of a tie vote on any question or proposition, shall give the casting vote, except that in making laws and ordinances, he shall have no

vote. In the absence of the mayor, the city council may appoint one of their owu body to preside for the time being, who as president shall possess the power of the mayor while acting in that capacity, and the additional power of giviug the casting vote on all questions whatever. Said council shall meet in the council chamber or in some other convenient place in said city, on the second Monday in April, and after having taken the oath of office, before the mayor or some other officer qualified to administer oaths, shall appoint a city clerk, whose duty it shall be to keep a regular and correct journal of the proceedings of the council, and shall perform such other duties as may be required of him by the ordinances of said city.

Sec. 7. The qualified electors of said city, shall on the first Monday in April annually, elect a marshal, who shall hold his office for the term of one year and until his successor shall be elected and qualified. Said marshal shall be the chief ministerial officer of said mayor, and as such, invested with all the powers of a sheriff and constable, entitled to the same fees as a constable and subject to the same penalties and amercements. He shall execute and return all process directed to him by the mayor, and when necessary may serve the same in any part of Dearborn county. It shall be his duty to suppress all riots, disturbances and breaches of the peace—to apprehend all rioters, disorderly persons, and disturbers of the public peace in said city, and all persons in the act of committing any indictable offence against the laws of the State or fleeing from justice after having committed such offence, and him, her or them forthwith take into custody and bring before the mayor for examination; and in case of resistance call to his aid and command the assistance of all bystanders and others in the vicinity. He shall perform such other and further duties as may from time to time be required of him by the city council, and may appoint one or more deputies, and at pleasure dismiss or discharge them from office, being always responsible for the correct discharge of their duties. Before entering on his duties he shall take an oath of office and give bond to said city with security to the acceptance of the common council, for the faithful discharge of his duties. All constables shall be ministerial officers of the mayor's court in like manner as they are of justices' courts, and shall be bound in the same manner to execute his process.

Sec. 8. The city council shall provide the time and places for holding meetings of council not herein provided for, which shall at all times be open for the public. They may appoint supervisors of highways and such other city officers whose appointment or election is not otherwise herein provided for, as shall be necessary for the good government of said city, and the due exercise of its corporate powers; and all city officers whose term of office is not prescribed and whose powers and duties are [not] defined by this act, shall perform such duties, exercise such powers and continue in office for such term of time, not exceeding one year, as shall be prescribed by ordinance.

Sec. 9. The said city council shall have the custody, care and superintendence, management and control of all the real and personal estate and other corporate property belonging to said city, and the real and personal estate, money, funds, and revenues which from time to time may be owned by, or by right belong to said city, with full power to purchase, hold, possess, use, occupy, sell and convey the same for the use and benefit of said city and the inhabitants thereof. *Provided*, that the city council shall not have power to sell or in any way dispose of any public landing, wharf or wharves, dock or docks, basin or basins, or any interest therein, or part thereof, which now is or hereafter may be owned by, or shall become the property of said city; and which may be used and kept for accommodation and convenience of the merchants and others engaged in trade, commerce, and navigation of said city, nor shall the city council have power to sell or in any way dispose of any other real estate or interest therein which is now owned by or hereafter may become the property of said city, unless authorized so to do by the qualified voters of said city, at any general or special election.

Sec. 10. The city council shall have power to establish a board of health for said city, to invest it with such powers and impose upon it such duties as shall be necessary to secure said city and the inhabitants thereof, from the evils, distresses, and calamities of contagious, malignant and infectious diseases; provide for proper organization and the election and appointment of the necessary officers thereof, and make such by-laws, rules and regulations for its government and support as shall be required for enforcing the most prompt and efficient performance of its duties and lawful exercise of its powers. They shall have power, whenever the public peace of said city requires it, to establish a watch, and organize the same under the general superintendence of the city marshal or other proper officers of the police; prescribe its duties and define its powers in such manner as will most effectually preserve the peace of said city, and secure the inhabitants thereof from personal violence, and their property from fire and unlawful depredations. They shall establish and organize all such fire companies, and provide them with proper engines, hose, and such other implements as shall be necessary to extinguish fire and preserve the property of the inhabitants of said city from conflagration, and provide such by-laws and regulations for the government of the same as they shall think proper and expedient; and each and every person who may belong to such fire company, shall in time of peace be exempted from the performance of military duty under the laws of this state.

Sec. 11. The city council shall erect, establish, and regulate the market and market places of said city, for the sale of provisions, vegetables and other articles necessary for the sustenance, comfort and convenience of said city and the inhabitants thereof; and they shall have power to establish and construct landing places, wharves, docks and basins in said city, at any and all places within the limits or

boundaries of the same, or on any of the city property, and fix the rate of landing, wharfage, and dockage of all steamboats, boats, rafts and other water crafts, and all goods, wares, and merchandize, produce and other articles that may be moved at, landed on, or taken from any landing, wharf, dock, or basin belonging to said city.

Sec. 12. Said city council shall have full power to grant or refuse license to any person or persons to sell and retail spirituous liquors by a less quantity than one quart within the boundaries of said city upon the payment of such sum for such license as the city council may determine, into the treasury of said city. *Provided, however*, that the city council shall not have power to grant any license for the sale of spirituous liquors under fifty dollars per year for each and every tavern, and seventy-five dollars for each and every coffee house.

Sec. 13. The said city council shall also have power to grant or refuse license to keepers of ale, beer, or porter houses, and all houses of entertainment where any kind of intoxicating drinks are sold by less quantity than one gallon, to be drank in said houses—to grant or refuse licenses to showmen, theatrical exhibitions, and all other exhibitions for money, and to exact from such persons reasonable sums of money for such exhibitions. *Provided*, that nothing in this act shall be so construed as to do away with the necessity of retailers of ardent spirits, and showmen from procuring a county license.

Sec. 14. It shall not be lawful for any person or persons within the bounds of said city, as specified in the first section of this act, to sell by a less quantity than one quart at a time, any spirituous liquors, nor shall it be lawful for any person or persons to keep what is commonly called a grocery, coffee house or tippling house, or any other house or room, booth, arbour or shed, to vend or sell spirituous liquors by a less quantity than a quart at a time or by the quart or a greater quantity to be drank on the premises, unless such license as required in this act be first obtained from said city and the amount required by said city council be paid into said city treasury.

Sec. 15. And if any person or persons shall sell any spirituous liquors by a less quantity than a quart at a time, or shall sell spirituous liquors by the quart or more, to be drank on the premises, where sold within the limits of said city, contrary to the provisions of this act, the person or persons so offending shall be liable to pay and forfeit to said city, for each and every offence, upon conviction thereof before the mayor of said city in an action of debt, any sum not less than five nor more than one hundred dollars, for the use of said corporation.

Sec. 16. And if any person or persons shall, within the limits of said city, contrary to the provisions of this act, keep a grocery, coffee house tippling house, or any other house, room, booth, arbor or shed, to be used and occupied for vending or selling spirituous liquors therein by a less quantity than one quart at a time, or by the quart or more to be drank on the premises, or shall vend or sell therein any spirituous liquors, shall for every such offence be liable to pay and forfeit to said city in an action of debt, for each offence, upon conviction thereof before the mayor of said city, any sum not less than ten nor more than one hundred dollars, for the use of said corporation, and in all suits upon this section it shall not be necessary to prove an actual selling or vending of spirituous liquors; proof of keeping such house open, grocery, coffee house, booth, arbor, or shed, with the usual bar, bottles, kegs, liquors &c., and the things usually kept in such houses, or any of them shall be sufficient evidence of keeping such house to authorize the mayor or jury trying the case (in absence of proof to the contrary) to assess said penalty.

Sec. 17. Any person or persons who shall keep a house, room, booth, arbor or shed, for the purpose of selling wine, ale, beer, porter, or any other intoxicating drink whatever, or shall vend, or sell any of said articles without first obtaining a license from said city, shall forfeit and pay to said city, any sum not less than five nor more than fifty dollars; to be recovered in [an] action of debt, before the mayor of said city, for the use of said city, upon conviction of any such offence.

Sec. 18. Said city council shall have power by ordinance, to require all tavern keepers, coffee-house keepers, and retailers of spirituous liquors, wine, ale, beer, porter, or any other intoxicating drink whatever, to enter into bond, payable to said city, with sufficient securities, in such penalty as the council may deem proper, with conditions containing such provisions as said council may deem proper and expedient, for the peace and order, quiet and security of the said city, and for any violation of which provisions of said bond, said city may recover from the obligors thereto, any sum or sums not less than ten, nor more than one hundred dollars, in an action of debt before the mayor of said city, on said bond, and upon the violation of the condition or conditions of any such bond, the said city council shall have power to revoke or suspend such license, whenever the good order or welfare of such city may require it. And whenever any such license may be suspended or revoked, any person selling or vending shall be liable to the same forfeitures and penalties as though no license had been granted.

Sec. 19. Any person who shall vend or retail spirituous liquors by a less quantity than a quart, without first procuring a license from said city, as provided in this act, shall be liable to be indicted and fined in the Dearborn circuit court of said county, as though this act had not been passed.

Sec. 20. The said city council, whenever a majority of the qualified voters of said city may authorize it, shall have power to subscribe for stock, in the name of said city, in any chartered company, for the purpose of making any railroad or McAdamized or other turnpike or plank road, running to or from or through said city, or in any stock company chartered for the purpose of lighting said city, or for any other purpose in which the city is interested; *Provided*, that no stock shall be subscribed as aforesaid, until a majority of the qualified electors of said city, voting at such election, shall have signified their as-

sent to the same at any annual or special election. And the city council may, whenever they deem it necessary, order a special election for the purpose of determining any question that may arise under this section. In case any such election be ordered by the city council, notice shall be given of the same, at least fourteen days, by advertisement in some newspapers of said city, in which advertisement shall be stated the time and place of holding such election, the corporation in which it is proposed to take stock, and the amount proposed to be subscribed. If a majority of the qualified voters, at any such election, shall vote for subscription, it shall be taken as authorizing the city to subscribe the amount named in said advertisement, for stock in the corporation mentioned in said notice.

Sec. 21. To raise funds for the payment of any stock subscribed by said city, under the foregoing section, the city council shall have power and authority to make and sell the bonds of said city, under the seal of said corporation, payable as said council may deem best for the interests of the city, and drawing such rate of interest as said city council may deem advisable, not exceeding seven per centum per annum, and in said bonds to pledge to the holders of said bonds, that the stock so taken, and all dividends thereon shall be held and bound for the payment of said bonds. And the said city council shall have power to provide for the payment of the said bonds and the interest thereof, annually, and to make said bonds and the interest annually as it becomes due, receivable for corporation taxes of said city. Any one or all of which provisions, at the option of said council, and as they may judge for the interests of said city, and every and all other provisions necessary to carry the foregoing into full effect, said council may and shall have power to provide for and adopt.

Sec. 22. The city council of said city shall have power, and the said council is hereby authorized within and for said city, to make, establish, publish, amend and repeal ordinances, acts, rules and regulations, and laws for the following purposes, and upon the following subjects, to-wit :

First. To restrain and prohibit all descriptions of gaming, and every kind of fraudulent device and practice in said city.

Second. To regulate and license, or refuse to license all places of amusement, theatrical exhibitions, and all exhibitions where money or anything of value is charged or received for admission to the same, and to charge and receive for such license, in all the foregoing cases such sum as the city council may deem proper, and annex such conditions in all respects, as said city council may choose.

Third. To establish market houses and market spaces in said city, to prevent forestalling and regrating, and to make and enforce such rules and regulations as to the time, place and manner, of selling such provisions and commodities as may be sold or exposed for sale in any of said markets, market houses or market spaces, as they may think will promote the interest, comfort or convenience of the citizens; to prohibit the sale of fresh meats in small quantities, or any kind of marketing, on market days and within market hours, at any other place than at the market house or market space, and to declare any article sold or exposed for sale in any market, market house, or market space contrary to any ordinance, rule, or requisition, forfeited to the city, and authorize the market master, or any other person that they may appoint, to seize and sell the same at public outcry, forthwith, and pay the proceeds into the city treasury. *Provided, however,* That meat or other articles of marketings shall not be forfeited to the said city unless it is proven that the vendor thereof knew, when offering for sale or vending marketing, that it was a violation of an ordinance of said city.

Fourth. To restrain and regulate the running at large of cattle, horses, swine, sheep, goats, geese and other domestic animals, by inflicting suitable penalties upon the owner or owners of any cattle, horses, swine, sheep, goats or geese, found running [at large,] contrary to ordinance, or by authorizing the distraining, impounding and sale of the same for any penalty incurred, and costs of proceeding.

Fifth. To prevent and regulate the running at large of dogs, by inflicting suitable penalties upon their owners, or persons who harbor them, where such dogs are found at large, or off of the premises of their owners, or of the persons who harbor them, and to authorize the killing of any kog or dogs if found at large, contrary to ordinance, or both, at the pleasure of the city council.

Sixth. To protect the inhabitants of said city from all malignant and contagious diseases, to cause to be filled up or drained, all grounds whereon water has or may become stagnant, at the expense of the owners of said ground ; *Provided,* That the owner of any ground which the said city shall drain or fill up, shall not be made liable to pay for such draining or filling up, over one-tenth of the value of the ground so drained or filled up.

Seventh. To apprehend and punish all vagrants, drunkards, night walkers, street beggars and prostitutes and idle persons when found loitering about the streets, lanes, alleys, wharves, groceries, or other public places, without employment, and all persons whatever disturbing the peace and good order of the city; all such persons may be apprehended on view, without a warrant by the marshal or any police officer, and immediately taken before the mayor, or in case of the absence of the mayor from his office, or if such arrest be made after night, the person so apprehended may be kept in custody or committed to the watch house or jail until the mayor shall return to his office or until morning, but in no case shall any person be held in custody before trial, longer than nine o'clock of the day succeeding his arrest, except when such person shall refuse or neglect to give satisfactory bail for his appearance when it becomes necessary to continue his trial for material testimony.

Eighth. To prohibit all exhibitions of natural or artificial curiosities, and all shows, exhibitions, or amusements whatsoever, which in

the opinion of said council, are demoralizing to society, or calculated to detract from the peace and good order of said city.

Ninth. To suppress and restrain disorderly houses and groceries, houses of ill fame, billiard tables, nine or ten pin alleys, or tables and ball alleys, and to authorize the demolition and destruction of all instruments of gaming.

Tenth. To prevent horse racing and immoderate riding or driving in the streets, lanes, or alleys of said city, and the leaving of any horse, horses or teams in any of the streets, lanes or alleys, or on any open ground, or on any wharf within the limits of said city, without said horses or teams being so secured as to prevent it or them from running away.

Eleventh. To prevent riot, noise, disturbance of the peace, disorderly assemblies, the disorderly ringing of bells, blowing of horns or bugles, beating of drums, whooping, hallooing, loud, boisterous, profane or obscene talking, or singing, and all other noises whereby the peace or quiet of any of the inhabitants of said city may be disturbed, or which is calculated to produce such disturbance.

Twelfth. To regulate the general police of said city; to establish a city watch, define its duties and prescribe its powers.

Thirteenth. To pass and enforce ordinances for the prevention and punishment of all disorderly conduct, or of any practice act or device not herein specified, which is calculated to disturb the peace or in any way interfere with the comfort of any of the inhabitants of said city.

Fourteenth. To regulate the streets, lanes, alleys and side-walks, and all wharves in said city, and improvements of the same, by grading, graveling, paving, or otherwise; and all grades of streets, lanes, alleys and wharves, and the width of all side-walks, the width and depth of all gutters and all other matters relating to the grade, form or width of the streets, lanes, alleys, side-walks, gutters or wharves. And the council shall have exclusive control of said streets lanes, alleys, side-walks, gutters wharves, and all market houses, market spaces, and public grounds within said city, and shall cause the same to be kept open, clear, and in good order.

Fifteenth. To prevent the incumbrance of the streets, lanes, alleys, side-walks, or wharves, with carriages, carts, boxes, lumber, timber, fire-wood, brick, stone, merchandize, or any other substance or materials whatever.

Sixteenth. To prevent the rolling of hoops, playing at ball, long bullets or marbles, the using fire crackers, flying kites, firing guns, pistols and all other firearms, or fireworks or any other thing or practice which in the judgment of said council has a tendency to annoy or endanger the property or person of any of the inhabitants of said city.

Seventeenth. To compel all persons to keep the snow, ice and dirt from the side-walks bordering on their property, and to cleanse and keep clean the gutters and streets opposite the premises by them owned or occupied.

Eighteenth. To guard against damage by fire, to organize fire companies, purchase fire apparatus, build engine houses and regulate and govern said companies, and disband them at pleasure, and regulate the conduct of the citizens in relation thereto.

Nineteenth. To prevent injuries to the inhabitants of said city from thieves, robbers, burglars and all other persons violating the public peace.

Twentieth. To declare what shall be deemed nuisances within said city, and to abate and remove the same, or punish by suitable penalties the person or persons causing or contriving the same, or both abate and punish at discretion.

Twenty-first. To compel the owner or occupant of any piece of ground, grocery, cellar, tallow chandlery, soap factory, tannery, slaughter house, stable, barn, privy, sewer or other out house or place; to cleanse the same from time to time as often as it may be deemed necessary for the health and comfort, or convenience of any portion of the inhabitants of said city; and to remove or abate or otherwise destroy the cause which renders such house or place unhealthy or uncomfortable.

Twenty-second. To prohibit any person from bringing or depositing or hauling within the limits of said city any dead carcass or any other unwholsome substance, and to require the removal or destruction by any person who shall have the same upon or near his premises by his own act or consent, of any such substance, or any putrid or unsound beef, pork, fish, hides or skins of any kind, or other unsound or unwholsome substance whatsoever. And [on] default of such person to authorize the removal or destruction thereof, by the proper officer of said city.

Twenty-third. To direct the location of all powder houses, the manner of keeping and conveying of gun powder and other explosive substances, and of using lights at night in barns, stables, and other out-houses.

Twenty-fourth. To direct the location of slaughter-houses, tallow-chandler shops, soap factories, and other houses that may be an annoyance to the health or comfort of any of the inhabitants of said city, and to prohibit the erection or continuance of any such establishment within said city.

Twenty-fifth. To survey, mark and establish the boundaries of said city.

Twenty-sixth. To regulate the burial of the dead, purchase and provide burying grounds, hearses and other things necessary to burial, and appoint sextons, and prescribe their duties.

Twenty-seventh. To regulate the weight and quantity of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

Twenty-eighth. To provide for the watering of said city, and to make and regulate pumps, wells, cisterns and reservoirs, and to prevent the unnecessary waste of water.

Twenty-ninth. To borrow money for the use of said corporation.

Thirtieth. To lay out, open and mark new streets, lanes, alleys, highways and wharves.

Thirty-first. To regulate, permit or prohibit the selling at public auction, in the streets, stores or elsewhere, within the limits of said city, horses, and all other domestic animals, merchandize and all other kinds of property, either real, personal or mixed, and to appoint and license auctioneers, and to require said auctioneers to give bond for the honest discharge of their duties, in such penalty, and with such conditions as said city council may think proper, and to require said auctioneers to pay for said license such sum and [as] said council may fix by ordinance, and such amount in addition thereto on all sales at auction not exceeding two per centum on the amount thereof, as said council may fix by ordinance ; *Provided*, That a specific amount may be required on the sales of horses, cattle or any live stock, without regard to any per centum on the amount for which such horses, cattle or other live stock may be sold.

Thirty-second. To fix the amount of wharfage that it shall be lawful to charge and receive at any public or private wharf on the Ohio river within said city, and to regulate the same.

Thirty-third. To levy and collect a revenue for the use of said city, in the manner prescribed by this act.

Thirty-fourth. To regulate the construction of chimneys, fire places, hearths and stove pipes, and the manner of [setting] stoves so as to prevent damages from fire, and to require persons to keep chimneys and stove pipes clean by sweeping or burning, as often as may be necessary to prevent their taking fire.

Thirty-fifth. To erect market houses, a council house or city hall, a house of correction, and a city jail, and to pass and enforce such ordinances as they may deem expedient for the regulation and government of the same.

Thirty-sixth. To provide for lighting the streets and erecting lamps thereon.

Thirty-seventh. To provide for the appointment of all officers, agents and servants of the corporation not otherwise provided for.

Thirty-eighth. To provide for the construction and repairs of all side walks and curb stones, at the expense of the owners of the ground fronting thereon.

Thirty-ninth. To establish standard weights and measures, and regulate the weights and measures to be used in the city.

Fortieth. To appoint all officers and agents they may deem necessary to carry into full effect the powers by this act conferred, prescribe their powers and duties, regulate and establish their salary, fees and pay, and require them, or any of them to give security for the faithful discharge of their duties, and all such officers and agents shall hold their office during the pleasure of said city council.

Forty-first. To pass and enforce all ordinances that may be necessary to carry into execution all the powers herein granted, and to revoke or suspend any license for any violation of any ordinance,

by-law or police regulation, and to impose fines, penalties and forfeitures not exceeding fifty dollars, (except as in this act otherwise provided) and to provide for collecting the same.

Forty-second. To light with gas or oil all the streets, lanes, alleys, market houses and market spaces within said city, or so much or so many of them as they may by ordinance designate, and appropriate money out of the city treasury to defray the expenses thereof, but no such ordinance shall be passed by a vote less than two-thirds of the city council.

Forty-third, To authorize the marshal of the city, and it shall be lawful for him, with the necessary force, to enter any house or place he may be informed and has reason to believe, that any description of gaming, or any other unlawful practice is permitted, and seize all persons there found gambling or engaged in such unlawful practice, and commit them to the watch house, or take them before the mayor of said city, or any magistrate who is legally authorised to take cognizance of the offence.

Forty-fourth. To make and put in execution such orders, ordinances, by-laws, rules and regulations as may be deemed necessary for the good government of said city, and the peace, safety and security of its inhabitants, and their property, not inconsistent with this act and the Constitution of the State of Indiana.

Forty-fifth. To prevent or regulate the erection of wooden or frame buildings in such parts of said city as said council may think proper.

Sec. 23. And the city council shall have power to remit any fine or penalty assessed, or any part thereof, or any sum found due the city under this act, for violation of [this] act, or of the ordinances passsd in pursuance to its provisions, and when any such penalty or assessment be remitted by said council, or any part thereof, the mayor shall enter the same on his docket as remitted to the extent of such remission ; *Provided*, The council shall not have power to remit any of the costs of the officers acting in such case.

Sec. 24. *And be it further enacted*, That said city council shall not make, nor cause to be made, without a vote of two-thirds of the council, any contract for work, the estimated value of which shall exceed one hundred dollars, without first causing five days notice of the same to be given by advertising in at least one newspaper published in the city, that proposals will be received for the performance of said work. And the said council shall make, or authorize to be made, a contract to do said work, with the person who shall propose to perform the same for the lowest price, upon such persons giving bond to said city, with security to be approved by said council, or by any committee appointed by them for the purpose of receiving such bond, that the work will be faithfully performed according to the contract, and in case such person shall fail within such reasonable time as may be fixed by said council, to give the bond as aforesaid, then the contract may be claimed by the next lowest bidder, upon the same con-

ditions and limitations, and so on until said work [is] contracted for, with the person or persons who will undertake to do the same for the lowest price ; *Provided*, That nothing herein shall be so construed as to prevent the said city council in any case, from advertising for and accepting new proposals.

Sec. 25. *And be it further enacted*, That all ordinances passed by said council in pursuance of this act, shall be read three several times and upon the final passage the yeas and nays shall be taken and entered of record upon the journal by the clerk, and all ordinances so passed shall be published in some newspapers of said city, and no proof whatever shall be necessary of the publication of any such ordinance, unless the fact of such publication shall be put in issue by a special plea, verified by the oath or affirmation of the party pleading the same, and upon the trial of any such issue, the affidavit of the printer or publisher of such newspaper, to the fact of such publication, taken before any officer authorized to administer oaths, or the production of any newspaper printed and published in the city in which such ordinance is printed, shall be sufficient proof of the fact of publication.

Sec. 26. That it shall be the duty of the mayor, upon information or complaint made before him for any alleged violation of any ordinance, by-law or police regulation of said city, or of any provision of this act, to issue a summons or a capias *ad respondendum*, at the option of the mayor ; *Provided*, Said mayor shall issue no capias *ad respondendum*, or warrant for the arrest of the body of any offender unless the cause of action be specified and supported by affidavit of some person, except as in this act otherwise provided.

Sec. 27. That all prosecutions for violations of the provisions of this act, or any of the ordinances, by-laws, or police regulations of said city, shall be in the corporate name of said city, and unless otherwise in this act provided, in an action of debt, and upon the defendant or defendants being found guilty of violating any of said provisions of this act, ordinance, rules or police regulations of said city, said mayor, court, or jury trying the same, shall find and assess against said defendant or defendants such sum or sums as may be authorized by this act, or the ordinances of said city, and costs of suit, and in case of conviction as aforesaid, judgment may be entered that the defendant or defendants stand committed until the penalty or sum so found assessed, and all costs be paid or replevied, or judgment may be entered, and execution enforced as in ordinary cases of debt.

Sec. 28. That the marshal, policemen and watchmen of said city, and any constable of Lawrenceburgh township, without warrant or affidavit, may upon view, arrest any person or persons who may be guilty of a breach of the peace, or of any of the ordinances of this city, or of the provisions of this act, and such person or persons, in default of giving bail for their appearance before the mayor of said city, to answer the charge, may be committed to prison until the matter can be enquired into.

Sec. 29. All persons against whom any judgment may be rendered under this act or the ordinances of said city, may have a stay of execution for ninety days by procuring one or more sufficient sureties to enter into recognizance on the docket of said mayor, acknowledging themselves bail for such defendant for the payment of such judgment together with interest and costs accrued and to accrue thereon at the expiration of the stay of execution, which stay of execution shall be entered in the same manner as is prescribed for staying judgments before justices of the peace, and such recognizance shall have the same effect as a judgment confessed before said mayor, against the recognizors and their estates, and at the expiration of such stay, executions may issue on such stayed judgments, jointly against the principal and his securities, and the same collected in the same manner as is provided in like cases of judgments rendered before justices of the peace of said State.

Sec. 30. In all suits brought for the violation of any of the provisions of this act, or of any of the ordinances of said city, the following form of cause of action or declaration, in substance, shall be deemed sufficient ;

"State of Indiana, } sct.
Dearborn County, }

The City of Lawrenceburgh complains of A. B. of a plea of debt, for that heretofore, to-wit, on the ——— day of ——— A. D. ——— at and within the corporate limits of said city, the said A. B. did [here describe the act complained of,] contrary to the ordinance of said city, (or contrary to the act incorporating said city, or the laws and police regulations of said city, as the case may be,) And therefore said city says that an action has accrued to her to recover of and from said A. B. the sum of ——— with costs of this suit."

Which cause of action may be amended as in like cases before justices of the peace. And it shall be a sufficient description of any violation of any ordinance, or of this act, or of the ordinances of said city, to set forth the same in the words of this act, or the said ordinances. And no cause of action shall be held insufficient on account of any formal objection, if it contain enough to apprise the defendant of the charge against him, and to bar another action for the same matter. *Provided*, That in all suits brought to recover for any violation of sections 16 and 17 of this act, or of the ordinances passed under the same, it shall not be necessary to set forth in the cause of action, or prove on the trial the name or names of the person or persons to whom the vending or selling was done: when any affidavit is required to any such cause of action, the following shall be deemed sufficient, to-wit : "C. D. states on oath that the foregoing statement is true in substance, as he verily believes."

Sec. 31. No written plea whatever used, need be filed by any defend-

ant in any suits for the violation of this act, or of the ordinances of said city, and if on trial he denies the debt, he shall have the right to all legal matters of defence.

Sec. 32. In all suits or prosecutions before the mayor of said city for violation of this act or the ordinances of said city, the defendant or defendants may at their option be tried by the mayor or a jury of six or twelve men. *Provided*, it may be lawful for any number, (not exceeding twelve) that the defendant and the city attorney or mayor may agree upon to try the case.

Sec. 33. In all cases tried before the mayor for violation of this act or the ordinances of said city, and from any judgment rendered by the mayor of said city, the defendant may appeal to the Circuit Court of Dearborn county, at any time within ten days after rendition of the judgment by giving bond to said city with sufficient security acceptable to said mayor, in a reasonable penalty, conditioned for the payment of the debt, penalty, damages and costs, that shall be recovered against him in said Circuit Court; which appeal when taken and perfected by giving said bond, shall entitle the party appealing to the same rights and privileges, subject to the same conditions and restrictions as by law appertains to parties appealing from judgments of justices of the peace to said Circuit Court; and said Circuit Court shall hear and determine said cause, and shall, in trying such cases, be governed by this act and the ordinances of said city.

Sec. 34. All process issued by the mayor of said city shall be in the corporate name of said city and shall be signed by the mayor and attested by [the] seal of said city, (except subpœnas for witnesses need not have the seal attached thereto,) and all process may be served by the marshal of said city, or any constable of Lawrenceburgh township, either of whom, when necessary, may execute the same in any part of Dearborn county; and said mayor is hereby given full power and authority in cases of violation of this act or the ordinances of said city, to issue process throughout said county, and such cases to hear and determine, without reference to where the defendant resides or was found.

The style of the mayor shall be "Mayor of the city of Lawrenceburgh," and in all process issued by him such description shall be sufficient, whether the process be in the name of the city or as *ex officio* justice of the peace.

Sec. 35. The mayor of said city shall have power to solemnize marriages and to acknowledge deeds, mortgages, powers of attorney and other instruments in writing throughout the county of Dearborn, and to take depositions and administer all oaths and affidavits, for which he shall be entitled to the same pay as justices of the peace.

Sec. 36. In all actions or suits brought for the violations of sections 14, 15, 16, 17 and 18 of this act, or of any ordinance based thereon, it shall be lawful for said mayor in case judgments be rendered against the defendant or defendants to tax against such defendant a docket fee of two dollars and fifty cents, to be paid to the attorney

prosecuting the pleas of said city, to be collected as other costs in said suit.

Sec. 37. The said city of Lawrenceburgh shall not be liable for any costs or charges in cases commenced before said mayor, of a criminal nature, for violation of this act, or of the ordinances of said city, or in case of appeals in such cases.

Sec. 38. No person shall be eligible to the office of mayor of said city who shall not have been a resident of said city three years, and a freeholder one year next preceding his election.

Sec. 39. *And be it further enacted*, That there shall also be elected on the first Monday in April of each year by a plurality of the qualified voters of said city an assessor, collector and treasurer of the city of Lawrenceburgh, to serve for the term of one year, and until successors are elected and qualified, and the said assessor, collector and treasurer shall each, before entering upon the duties of his office, enter into a bond in such amount and with such securities as the council may direct and approve, conditioned for the diligent and faithful discharge of his duties, and take an oath faithfully and honestly to perform his duties. *Provided*, That the council may remove any of the aforesaid officers or the marshal of said city, who may prove incompetent or who knowingly and wilfully neglect or refuse to perform the duties assigned them by this act, or in any ordinance passed in pursuance thereof; but the concurrence of two-thirds of the council shall be necessary to such removal. All vacancies occasioned by such removal, by refusal to qualify or by any other cause whatsoever, shall be filled by a majority of said council.

Sec. 40. The said city council may, if they see fit, provide by ordinance that the duties of city treasurer and collector may be performed by the same person, in which case only one person shall be elected for such offices, who shall be called treasurer and collector of said city, and who, when elected and qualified, shall perform the duties of both of said officers, as prescribed by this act, and the ordinances of said city.

Sec. 41. Every free white male inhabitant of said city, over the age of twenty-one years, having the qualifications of an elector for members of the General Assembly of the State of Indiana, who has resided in said city one year next preceding any election, shall be entitled to vote at any corporation election of said city.

Sec. 42. It shall be the duty of the city council annually to appoint as many inspectors of elections as they shall direct polls to be opened in the city, from among the qualified voters thereof, whose duty it shall be on the first Monday in April annually to attend at the places designated for holding said election, and take to himself previous to the hour of opening the polls, two qualified voters, who, together with himself, shall constitute the judges of the election, which judges shall appoint two suitable persons clerks of said election; and said inspector, judges and clerks shall, before entering on their duties, take [an] oath, which may be administered by any person au-

thorized to administer oaths, or by the inspector, to the judges and clerks, and by one of the judges to the inspector, faithfully and impartially to discharge the duties assigned to them.

Sec. 43. Should the regular inspector refuse or fail to attend at the time and place designated, by 10 o'clock A. M. of any day on which an election is to be held, then and after that time it shall be lawful for the qualified voters of the city to appoint *viva voce*, and by a plurality of voices, an inspector for the occasion, who shall be governed in all things by the same rules as the regular inspector.

Sec. 44. It shall be the duty of inspectors of elections, before opening an election, to make or cause to be made a suitable poll book and tally papers, and before receiving any vote to proclaim or cause to be proclaimed aloud that the election is opened. Every election shall be held at the particular place designated by the council. The election being opened, the judges shall proceed to receive the votes, and when a vote is presented the inspector shall call out the name of the person presenting it; the inspector shall receive his ticket, and in the presence of the other judges put it into a box to be provided for that purpose, and the clerks of the election shall record the same on their separate list or poll book, numbering every name taken down, so that it may at any time be seen whether their lists agree.

Sec. 45. After the polls shall be closed the judges shall proceed to open the box and to canvass and estimate the votes given at such election. The canvass shall be public, and shall commence by a comparison of the poll list, and a correction of any mistakes that may be found therein, until they shall be made to agree. The judges shall then proceed to canvass and estimate the votes, when the tickets shall be taken out carefully one by one by the inspector, who shall open them and read aloud the name of each person written or printed thereon, and the office for which each person is voted for, and shall then hand it to one of the judges, who shall string it on a thread prepared for that purpose. As the inspector shall read aloud the tickets, each clerk shall carefully mark down on his tally paper the votes each individual shall receive, and the office he is voted for.

Sec. 46. As soon as all the votes are read off and counted, the judges shall proceed to ascertain who among the persons voted for for councilman, mayor, marshal, assessor, collector and treasurer have received the highest number of votes, and having ascertained, shall declare such persons duly elected, and shall make out and deliver to each of them a certificate under their hands to that effect, specifying in each councilman certificate the ward for which he was elected; but should two or more persons receive an equal and the highest number of votes for the office for which they were candidates, the judges shall determine by lot who of such persons shall have the office, and having so determined, shall give a certificate as aforesaid.

Sec. 47. It shall be the duty of the judges of every election to complete the canvass of votes and make [out] the certificates hereinbefore required to be given, by four o'clock, P. M. of the second day succeeding any election, and the said certificate shall be delivered to the person entitled to receive it, or left at his residence, within three days thereafter. Within the same time it shall be the duty of every inspector to leave with the clerk of the council, to be by him filed and preserved, one of the poll books and tally papers; the other poll book and tally paper, with the tickets, shall be kept and preserved by the inspector for the term of three months, for the inspection of any of the voters of said city who may wish to examine the same.

Sec. 48. Every mayor, councilman, marshal, assessor, treasurer and collector shall, before entering upon the discharge of his duties, take an oath before some competent authority faithfully and impartially to perform his duties, which oath shall be [endorsed] on the certificate of his election.

Sec. 49. It shall be lawful for the mayor, councilman, marshal, assessor, collector and treasurer, respectively and individually, at any time after being elected and qualified as in this act provided, to enter on their respective duties. *Provided*, however, if any of the aforesaid officers shall neglect, for the space of thirty days from the time of his election, to qualify and enter upon the duties of his office, such neglect shall be deemed and taken to be a refusal to qualify, and renunciation of said office.

Sec. 50. For the purposes of revenue the city shall have power to levy an ad valorem tax not exceeding one per centum upon all real estate, including improvements within the corporate limits of said city, as described in the first section of this act, and also a like tax upon all personal property belonging to the residents of said city, or that may be in possession of said residents including merchandize, insurance stock, railroad stock, steamboats, household furniture, horses, and carriages, money at interest, and all other kinds of personal property, whether in possession or [in] action; *Provided*, That each family shall be allowed to retain as exempt from taxation, one hundred and fifty dollars worth of household furniture. Said council shall also have power to levy and collect a poll tax, not exceeding fifty cents from every male inhabitant between the ages of twenty-one and fifty years, and also a specific tax to such an amount as they may deem expedient, on all dogs [and] bitches owned, fed or harbored by any of the inhabitants of said city, and on all hogs and sows suffered to run at large in said city.

Sec. 51. It shall be the duty of said assessor, after his election or appointment and qualification, to proceed immediately to make out a full and fair list of all such persons and property as he may be directed to assess, as far as practicable, in alphabetical order, setting opposite to the name of the person or persons, the lot or lots, piece or parcel of ground, particularly describing it, by whom owned or claimed, and value of each person's personal property subject [to be] taxed, as in this act provided, and add up the sum total of the whole

amount of said taxable property by him listed, and for the purpose of enabling the assessor or assessors to ascertain the value of each person's property subject to taxation, it shall be the duty of said assessor or assessors to require each and every person owning taxable property, either real or personal, in said city, to furnish the assessor a list of all his, her or their real property, and to state under oath or affirmation, (which all assessors are hereby authorized to administer,) the just and fair value of his, her or their said property, both real and personal, specifying the value of each separate lot or piece of land, if he, she or they have more than one, which said valuation shall be final and conclusive for the purpose of assessing and levying taxes thereon by said city; and upon the failure or refusal of any such person to furnish such list of his, her or their real property, or to state the value of his, her or their property, both real and personal as aforesaid, when required so to do, it shall be the duty of the assessor forthwith to proceed and search out, value and assess the real and personal property belonging to each and every person so failing or refusing to furnish a list, or to state the value of the same as aforesaid, from the best information he may be able to obtain, and each and every such valuation and assessment made by any assessor as aforesaid, shall be final and conclusive, except as to absentees and non-residents, but such absentees and non-residents may apply to the city council for the correction of any such assessments or valuation of their property by the assessor, and the city council shall do what to them may seem right in the premises.

Sec. 52. It shall be the duty of said assessor or assessors to complete the assessment roll or rolls, and return the same to the city council, by the first Monday in July succeeding his or their appointment; but in case of the inability, failure, or refusal from any cause, of the assessor or assessors, or either of them, to make or complete the assessment roll or rolls within the time herein prescribed, the city council shall have power to appoint some suitable person or persons, either to make or complete such assessment roll or rolls, as the case may require; and for that purpose said city council may extend the time for making or completing said roll or rolls, but the time in no case shall be extended beyond the first [day] of September next succeeding the time when the same should have been completed: in case of every such extension of time, a like extension of time shall be allowed to the clerk to make or complete the duplicate of such assessment roll or rolls, which, when made or completed, he shall attach his certificate under his hand, setting forth what property, for that year was to be taxed under the order of the city council, and at what rate; to all of which shall be added by the mayor, a precept under the seal of the corporation, directed to the collector of said city, commanding him that of the goods and chattels of all and every person named in said list, and all such persons whose names may be added thereto by said collector, and assessed by him, he cause to be made, by distress and sale, the amount of tax charged against

him, her or them, on said duplicate, on account of a poll, personal property, or any specific tax, and that of the particular lot, tract, or parcel of land in said list described, he make the tax charged thereon, by levy and sale, or by sale of so much thereof, as may be necessary to pay said taxes and [any] other tax for which it may be liable by this act, and the cost and charges of such sale and advertising; and in all cases where goods and chattels cannot be found, out of which to make any tax on account of a poll, personal property, or a specific tax, to make said taxes out of any of the real estate of the delinquent, by adding the amount to the tax on any such real estate; and make return of his doings by the first Monday in November succeeding his appointment; and if no goods and chattels can be found out of which to make the tax charged against any person, for or on account of a poll, personal property, or any specific tax, it shall be lawful for the collector to add the amount of such tax, to any tax levied upon any lot, tract or parcel of land belonging to, or claimed by, or listed to the person against whom such tax stands charged, and sell such lot, tract or parcel of land, or so much thereof as may be necessary to pay the tax charged against said lot, and also the tax on account of such poll, personal property, or specific tax; and the collector's certificate to the purchaser shall state for what tax or taxes said lot or parcel of land was sold.

Sec. 53. [In] any case where the assessor or assessors are unable to find the name of the true owner of any lot, tract or parcel of land, or any person claiming the same, it shall be lawful to list to "owner unknown," and the sale of any lot, piece or parcel of ground thus listed, and described as hereinbefore provided, shall be valid as though it had been listed to the owner or person claiming it.

Sec. 54. After the return of said assessment roll or rolls, and by the third Monday in July, in each year, if the said roll or rolls shall have been returned in time, the said city council shall fix and determine the per centum or rate of tax to be levied on real and personal property, stocks, and moneys at interest, and what amount of poll tax [and] specific tax shall be levied for the current year.

Sec. 55. After the return of said assessment roll or rolls, and by the third Monday in August, annually, the city council shall cause their clerk to make a full, fair and complete copy and transcript of the persons and property named in said assessment roll or rolls, with the amount of taxes charged against each, in all cases setting opposite to each lot, tract or parcel of land, the particular tax assessed thereon.

Sec. 56. All taxes upon real estate shall, from the time the tax list is made out and completed, be a *lien* thereon to the same extent with the judgment of a court of record, and shall have a preference of all private charges; and all taxes on personal property shall have preference of all other private demands.

Sec. 57. By the third Monday in August, annually, said tax list shall be completed, (except in cases hereinbefore provided for,) and

placed by the mayor in the hands of the collector, whose duty it shall be to proceed forthwith to the collection of the taxes therein contained.

SEC. 58. The collector shall not be required, in any instance, to make a demand of the taxes from the person charged therewith, but may, in his discretion, do so; and if any person charged with a poll tax, tax on personal property, or any tax except on real estate, shall fail when called on for his, her or their taxes, by said collector, to pay the same, it shall be lawful for said collector to make the same by seizure of goods and chattles of such defaulter forthwith.

SEC. 59. It shall be lawful for the collector, and it is hereby made his duty to require each and every person whom the assessor may have failed or omitted to call on for a list of his taxable property, and a statement of the value thereof as said assessor is hereinbefore required to do, to furnish him, the said collector, a list of his, her or their property, subject to taxation for city purposes, and to state the just and fair value thereof, under oath, which oath the collector is hereby authorized to administer, and upon the failure or refusal of such person or persons to furnish the collector with a list of his, her or their taxable property, and the value thereof, to proceed to value the same in the same manner that the assessor is required to do in like cases. And in all cases where said collector shall be informed of any real estate within said city, subject to be taxed for city purposes, the owner of which is not known to him, he shall list and value the same, and charge it on the duplicate to "owner unknown."

SEC. 60. After the first Monday in September, and before the first Monday in November, annually, it shall be the duty of the collector to proceed to collect the taxes assessed on real estate, either by seizure and sale of the goods and chattels of any person owning the same, or by sale of the lot, piece or parcel of ground on which the taxes remain unpaid, or so much thereof as may be necessary to pay the taxes for which it is liable, and expenses of sale; and if no goods and chattles are found, out of which to make any taxes charged against the person or persons owning such real estate, then the said collector shall, as hereinbefore authorized, add such tax to the tax charged against any piece, tract or parcel of land, and sell the same, or so much thereof as may be necessary to pay the taxes on said land, and all other taxes against the owner thereof, (except taxes on other real estate) together with all cost that may have accrued, or to accrue in advertising, selling and conveying the same; six days notice of [the] time and place of sale of goods and chattels, shall be given by the collector, by written notice, stuck [up] in three of the most public places in said city, or by advertising in some newspaper, printed and published in said city: all goods and chattels so sold by said collector, shall be delivered to the purchaser, on the purchaser paying him the amount bid by the purchaser for the same; and the said personal property, when so purchased, paid for, and delivered, shall be and remain the property of the purchaser, and shall not

thereafter be redeemed; and three weeks [notice] shall be given of the time and place of the sale of lots, or lands, by advertisement in some newspaper, printed in said county; *Provided*, That nothing herein contained shall be so construed as to operate in any such manner as to interfere within [with] the lien which the State of Indiana, or the county of Dearborn may at any time have upon any goods and chattels, lands or tenements, of any person in said [city,] for the non-payment of taxes due said State or county.

SEC. 61. In selling lots and lands, the collector shall sell the least possible quantity, that any bidder will take and pay the amount of taxes for which it is offered to be sold, and costs; when any bidder shall offer to take less than the entire lot or tract, it shall be the duty of the collector, at such sale, to designate and declare in what manner the division shall be made, and having made a sale to any person of any lot or tract of land, or part thereof, it shall be the duty of the collector to make, seal and acknowledge before some competent authority, a certificate of the same, to such purchaser.

SEC. 62. It shall be the duty of the collector, immediately after the sale of any lot, lots or lands, to make return of the same to the treasurer of said city, distinctly stating the lot, or tract of land sold, the name of the purchaser, the day of sale, and the amount [of] taxes and costs for which it was sold; and any owner or claimant of any lot or tract of land so sold as aforesaid, his agent or attorney, may redeem said lot or tract of land so sold as aforesaid, at any time within two years from the day of said sale, by paying and depositing with the treasurer aforesaid, for the use of the purchaser, the full amount of the taxes and the costs so paid as aforesaid, together with interest on the full amount of said taxes and costs, at and after the rate of one hundred per centum per annum, from the day of such sale to [the] day of making such redemption. After the expiration of two years from such sale, it shall be the duty of said treasurer, on the application of any person who may have purchased any lot, tract or parcel of land at such sale, or his heirs or assigns, holding a certificate of the purchase of any lot or tract of land so sold as aforesaid, which has not been redeemed, to endorse on the back thereof his certificate of the fact that [the] lot or parcel of land in said certificate specified, has not been redeemed, which certificate of the treasurer, shall be by him acknowledged before some competent officer, and such certificate of the collector, made and acknowledged as aforesaid, and endorsed and acknowledged as aforesaid, shall inure to, and vest in the purchaser, his heirs and assigns, from the day of sale, an absolute and indefeasible estate in fee simple, in the lot of lands therein described, and shall be conclusive evidence that the levy, assignment, description, advertisement, sale, and every thing relating to the levy, sale and conveyance, was and is regular, and in conformity to the provisions of this act, and shall not be annulled or set aside in any court whatever, except by proof of one or more of the following facts, viz: 1st. That the lot, tract or parcel of ground in said cer-

tificate named, was not liable to be taxed under the authority of this act. 2d. That the taxes charged thereon, and for which it was sold at the time mentioned in said certificate, were actually paid to the collector before the sale, or were tendered to him, and were refused. 3d. That the said premises were redeemed within two years from the day of sale, by depositing with the treasurer, for the use of the purchaser, his heirs or assigns, executors or administrators, the taxes, cost, charges, and per centage thereon.

Sec. 63. At any time before the sale of any goods and chattels, and lands and tenements, the owner or claimants may release the same by paying the taxes due thereon and costs, so far [as] costs have accrued; and whenever any balance from the sale of any goods and chattels over and above what is sufficient to pay the taxes and costs, shall remain in the hands of the collector, it shall be the duty of the said collector to pay the same over to the owner of such goods and chattels on his demand. It shall be the duty of the collector, by the first Monday in November in each year to pay over all moneys collected by him to the treasurer, and make a full and final settlement of his collectorship, and a return of the tax list and precept to him, with a full account of his doings in the premises, in which return shall be stated fully and distinctly the aggregate amount of money by him collected and received from the duplicate tax list, and the amount remaining unpaid on said list, with the names of the particular defaulters and the cause of failure to enforce payment from such delinquents, as commanded in said precept, the truth of which return shall be verified by the affidavit of said collector; and to the tax list of any succeeding year it shall be lawful to add any taxes remaining unpaid in any preceding year, which shall be collected in like manner as if assessed in each year.

Sec. 64. The collector shall be entitled to such allowances as shall be made him by the city council for collecting, without distress or sale, and one dollar on all sales of goods and chattels, together with charges for removing and keeping property distrained, and fifty cents for each sale made of real estate and for giving a certificate, and twenty-five cents for the acknowledgment of such certificate, to be added and estimated in the sum for which such goods and chattels, lands and tenements are sold.

Sec. 65. In all cases where any person shall refuse or neglect to pay the tax imposed on him by virtue of this act, the collector shall, after the first Monday in September in each year, and before the first Monday in November, levy the same, together with five per cent. damages, and the costs and charges that may accrue by the distress and sale of the goods and chattels of such person as ought to pay the same, wherever the same may be found within the city, or add five per centum to the amount of such person's taxes, and sell his lot, tract or parcel of land for the same, in addition to the taxes and costs previously levied thereon.

Sec. 66. The purchasers at such sale shall immediately pay the

amount of their respective bids to the collector, or on their failure to do so, the goods or chattels, lands or tenements shall be again forthwith offered for sale, the same as if no sale had been made, and the purchasers so failing shall forfeit and pay for the use of the city of Lawrenceburgh a penalty of twenty-five per centum on the amount of their bids, to be recovered with costs, by action of debt in the name and for the use of the city of Lawrenceburgh, before any court of competent jurisdiction.

Sec. 67. When the treasurer shall discover, prior to the conveyance of any lands sold for taxes as hereinbefore provided, that the sale was invalid for the reason that the land was not subject to taxation, or that the taxes for which it had been sold had been paid, or that it was in fact redeemed within two years after said sale, or that the land had been listed to two persons, one of whom had paid the taxes assessed thereon, he shall not convey such lands; but the purchase money and interest thereon at the rate of six per centum per annum, shall be refunded out of the city treasury to the purchaser, his heirs or assigns.

Sec. 68. It shall be the duty of the treasurer to receive and disburse all moneys belonging to the city, keeping an accurate account of all receipts and expenditures, and perform such other services as the city council may direct. All moneys raised, recovered or collected, by means of any tax, license, fine, forfeiture or otherwise, or which may belong to said city, shall be paid into the city treasury, and shall not be drawn therefrom except by order on the authority of the city council, to be signed by the mayor and attested by the clerk. It shall be the duty of the treasurer to receive the list and return made by the collector, of lots and lands by him sold for taxes, as hereinbefore provided, and preserve the same; on the application of any owner or claimant of any lot or parcel of land to redeem the same, to receive from him and pay over to the purchaser on demand, the tax, costs and per centage as hereinbefore required, giving to such person a receipt for the amount so paid; for which service the said treasurer shall be entitled to charge and receive from such person a fee of twenty-five cents.

Sec. 69. Whenever the owner of lots on any street or section of street, lane or alley, shall be desirous of making any improvement on the same by filling up, raising, graveling, grading, paving, curbing and guttering, or by curbing or in any other manner improving the side-walks on any street or lane or section thereof, or by making any other useful or ornamental improvement, and the owners of lots on such street, lane or alley, or any section thereof, by themselves, or agents duly authorized by them to do so, owning five-eighths of the whole number of feet of ground bordering on said street, lane or alley, on the side thereof where such contemplated improvement is to be made, or on both sides thereof when the contemplated improvement includes the whole street, shall, by petition to the city council, represent plainly and dis-

tinctly the improvement wanted or contemplated to be made, and request the city council to cause it to be done, the city council may cause the same to be done agreeably to the wishes of the petitioners, if said council is satisfied that said improvement will be permanent and useful; and the expenses thereof shall be assessed and levied on all lots and parcels of land fronting on said street, section of street, lane or alley equally per front foot for the distance such improvement may be made, or the council may assess and levy an ad valorem tax on such property, according to the assessed value thereof, sufficient to pay for such improvement, as the council may deem most equitable. And the provision of this act restricting the city council to the levy of an ad valorem tax not exceeding one per centum shall not apply to any ad valorem tax levied for the purpose of making any such improvement, or be construed as restricting such levy. In estimating the number of feet of property fronting on each side of any such contemplated line of improvement, no part of any cross street, lane or alley within the limits of such contemplated improvement shall be included in such estimate, nor shall any part of the width of any such cross street, lane or alley be included in determining whether such petitioners represent the requisite number of feet on both sides of any such contemplated improvement.

Sec. 70. If in making any improvement of any lane, street or alley as aforesaid, any cross street, lane or alley is included in the distance, the grading across such cross street, lane or alley, and graveling of the same, except the side walks, shall be done at the expense of the said city, if the same have not been graded or graded and graveled; but no part of the expense of curbing and guttering or paving or graveling of side walks shall be paid by the city, (except where gutters are required to convey water across a street, lane or alley;) nor shall any part of said work be paid for by the city until the contemplated improvement is fully completed; and in all cases it shall be the duty of the commissioner or commissioners under whose direction any such improvement is made or done, to keep the account of the expenses thereof, in such a way us to show separately and distinctly from all other expenses, what has been the expense of grading and graveling (except the graveling of side walks,) the whole length of said improvement; and the city shall pay for the same in proportion that the width of the streets, lanes and alleys crossed, (that have not been graded and graveled,) bears to the whole length of said improvements; and also the expense of constructing gutters across streets, lanes or alleys, where they are needful to convey away the water.

Sec. 71. Whenever the city council think that the public good or convenience, or the comfort or convenience of any considerable number of the inhabitants of said city, will be promoted by making any improvement of any description, such as filling up, raising grading, graveling, curbing, guttering, or otherwise, in any street, lane or alley within said city; and if the property holders thereon neglect or refuse to petition the city council to have such improvement made, it shall be lawful for said city council to cause the same to be done without petition, and assess the expenses per rata per front foot or ad valorem, agreeably to the valuation as aforesaid; but the concurrence of two-thirds of the city council shall be necessary to authorize an improvement without petition, or to authorize levying the expenses ad valorem.

Sec. 72. It shall be the duty of the clerk to enter any petition for the improvement in any manner of any street, lane or alley on the record of proceedings of the city council, with the petitioners' names, and the number of feet front owned or represented by each, so that it may appear at any time whether the requisite number of feet were subscribed; and the city council shall either by general or special ordinance provide for the collection of the expenses of all such improvements, and in case of non-payment for the sale of the lot, or fraction of lot or lands on which such taxes remain unpaid; and such sale shall be conducted in the same manner as hereinbefore provided for the sale of lots and lands for the non-payment of taxes due the city; and the said levy from the time it is made shall be a lien upon the lots and lands charged therewith, to the same extent, and with the same restrictions, as taxes due the city are from the time the tax list is made out and completed. All such sales of lots and lands made to defray the expenses of any improvement ordered by the city council, whether said improvement was made in pursuance of a petition or otherwise, shall be made by the collector of the revenue of the city, who shall make out and acknowledge a certificate of sale in like manner as he is required to do to purchasers of lots and lands sold by him for city taxes, and make return of the sale to the treasurer of the city, who shall receive the redemption money if tendered to him by any person claiming said lot or land, and if not redeemed, to certify the fact on the back of the collector's certificate of sale in the same manner as he is required to do on certificates of unredeemed lots and lands which have been sold by said collector for city taxes; which certificate of the treasurer shall be acknowledged before some officer authorized to take acknowledgment of deeds. The owner or claimant of any lot or tract of land sold as aforesaid shall be entitled to redeem the same within one year from the day of sale, by paying to the treasurer the amount for which it was sold, including all costs and lawful charges and interest thereon, at and after the rate of one hundred per cent. per annum, from the day of sale; and such sale and such certificate so executed as aforesaid shall inure to and vest in the purchaser the same interest, right and title that by this act vests in the purchaser of lots or lands sold for city taxes—when certificates of such sales are executed as hereinbefore directed: and such title shall not be defeated except upon proof of one or more of the following facts, to-wit: 1. That the lot or tract of land in said certificate named is not located within the limits of the improvement for which it was sold. 2. If the im-

provement was made on petition that the requisite number of feet were not subscribed. 3. That the said levy had been paid before the sale or tendered to some person duly authorized to receive it, and refused by him. 4. That it was redeemed before the expiration of one year from the day of sale.

Sec. 73. The purchasers at any such sale shall be required to pay the amount of their bids immediately; or on their failure to do so, shall be subject to the same forfeiture that delinquent purchasers at sales of city taxes are; and the collector shall forthwith offer any such lot of land again, the same as if no sale had been had.

Sec. 74. The collector and treasurer are authorized to charge and receive the same fees, and in the same manner, that they are authorized to do in the sale of lots and lands for city taxes.

Sec. 75. No contract shall be made for any improvement of any street, lane or alley, either by petition or by vote of the council, which shall oblige the city to pay or advance any larger amount thereof than their true and just proportion, as hereinbefore specified.

Sec. 76. No street or alley or public landing shall be discontinued without the consent of the owners of the adjoining property, to be given in writing, and spread upon the records of the corporation; nor shall any new street, lane or alley, or public landing be made through private property, without first paying the person or persons whose property shall thus be appropriated (if demanded) the full amount of the real injury sustained thereby; and for the purpose of enabling such person to make demand for the damages sustained, it shall be the duty of the city council to give six weeks public notice by advertising in some newspaper printed in said city, of their intention to make and establish such new street, lane, alley or public landing, and any person feeling aggrieved thereby may, at any time within said six weeks, apply to the council for redress by remonstrance in writing, left with the city clerk, whereupon the said city council shall appoint two disinterested freeholders of said city, such applicant for damages shall select two others, and these four choose a fifth, to be appraisers of the damages such party may sustain, who, or a majority of them, under oath shall proceed to view, and on actual view assess the injury sustained at its true value, and make return to the city council; and the damages so assessed shall be paid by the persons benefited by such improvement, or out of the city treasury, as the city council may direct, before such street, alley, or public landing shall be established and opened. If the appraisers first above named cannot agree to the choice of a fifth, it shall then be lawful for the city council to make the selection.

Sec. 77. No member of the council shall, during the time for which he is elected, hold any office of emolument within the gift of said council, nor be in any manner interested in any contract with the city, or to which the city is a party, or by which money is to be paid by the city; nor shall any member become surety upon any official bond of any officer of said city, or surety for the performance of

any contract with said city. Any member so interested, either as principal or security, shall forfeit his membership, and his seat shall be declared vacant.

Sec. 78. Until a city jail and watch house are erected, said corporation shall be allowed the use of the jail of Dearborn county, and the sheriff of said county shall receive and discharge such persons as may be committed in and from jail in such manner as may be prescribed by the ordinances of said city or otherwise, by due course of law; and it shall be lawful for said corporation to use any room in said jail as a watch house, and for said sheriff to permit it so to be used, on such terms as may be agreed upon by said corporation and sheriff.

Sec. 79. Said city shall have sole and exclusive power to establish, tax and regulate ferries within and from the corporate limits of said city, across the Ohio river; to prescribe and regulate the number, size of boats, the number of hands, the particular hours when said ferry shall be kept in operation, the fees and charges of such ferries, and all matters pertaining thereto. And for the violation of any ordinance of said city in regard to said ferries, the owner or keeper thereof may, in an action of debt before the mayor of said city, be compelled to pay any sum not less than three nor more than fifty dollars; and the city council may, (if they deem the public good requires it,) at any time after it shall have been proved before said mayor, that any keeper or owner of any such ferry has violated the ordinances of said city, declare the license of such owner or keeper of such ferry forfeited. In all suits brought under any of the ordinances of said city against the owner or keeper of any such ferry, if the owner or keeper thereof cannot be found in said county, service of a copy of the process issued upon any person in charge of any ferry boat shall be deemed a sufficient service of process to authorize the mayor to proceed to try and determine such case, in the same manner as though the defendant was personally present; and any judgment in such case may be levied and made from sale of all boats, tackle, &c., belonging to such ferry.

Sec. 80. In all suits brought for the violation of this act or of the ordinances of said city, where the process issued is a summons in debt, the same may be heard and tried by the mayor at any time after said summons may have been served three days, excluding the day of trial and including the day of service. All cases where a capias *ad respondendum* or warrant for arrest of the body of the defendant is the process issued, the case may be heard and determined at any time after the defendant is arrested. And on trial of all cases the mayor may, for good cause shown, in his discretion grant continuances until some other day.

Sec. 81. Whenever the mayor of said city is informed that this act, or any of the ordinances of said city have been violated, he may issue subpœnas and attachments, and cause any person or persons that he may think has any knowledge of any such violation, to be

brought before him, and under oath answer all such questions as may be put in regard to such violations.

Sec. 82. All penalties incurred for the violation of this act, or any ordinance, by-law or police regulation passed by the city council of the city of Lawrenceburgh under the authority of this act, when collected by the mayor or any other officer, [shall] be paid into the city treasury for the use of said city.

Sec. 83. All ordinances, by-laws and police regulations now in force in the city of Lawrenceburgh and not inconsistent with this act, shall remain in full force until altered, modified or repealed under this act; and all suits, actions and prosecutions instituted, commenced or brought by the corporation hereby created, shall be instituted, commenced and prosecuted in the name of the city of Lawrenceburgh.

Sec. 84. All property, real and personal, heretofore belonging to the city of Lawrenceburgh, shall be, and the same is hereby declared to be invested in the corporation hereby created.

Sec. 85. This charter shall not invalidate any act done by the city council of the city of Lawrenceburgh, nor divest them of any right which may have accrued to them prior to the passage of this act.

Sec. 86. In all cases when a defendant, who has been convicted before the mayor, and fined for a breach of any ordinance of the said city, shall appeal to the circuit court, it shall be lawful for either party to proceed forthwith to take the depositions of any and all such witnesses as they may deem material to sustain the charge or defence, but if any witness, whose deposition has been taken, shall appear in the circuit court, at the time of trial and testify in the case, the deposition shall not be read on such trial, and the party on whose behalf said deposition was taken, shall pay all cost of taking said deposition.

Sec. 87. In case of a vacancy in either of the offices of assessor, collector, treasurer, or marshal, of said city, the city council shall fill such vacancies, *pro tempore*, until the next annual election. In case of vacancy in the office of mayor or councilmen, it shall be the duty of said council to order a special election of the qualified voters of said city, to fill such vacancy.

Sec. 88. The council of said city, whenever it becomes necessary, under this act, may order a special election of the qualified voters of said city, of which the same notice shall be given, and the election conducted in the same manner, as general elections; *Provided*, The council shall not order any special election to take place within one month of a general election.

Sec. 89. All violations of paragraphs 2, 3, 4, 5, 7, 8, 9, 10, 11, 13, 15, 16, 17, 20, 22, 23, 24, 31, 32, 34, and 39, of section twenty-two, (22) of this act, and all violations of sections Nos. 16, 17, and 18, of this act, or of the ordinances of said city council, passed under, and by authority of said sections, within [the] corporate limits of said city, are hereby declared petty misdemeanors, and punish-

able as such; exclusive original jurisdiction to try and punish which, is hereby vested in said city. And the mayor of said city, on complaint made by any officer of said city, without oath, or of any other person under oath, may issue a warrant in the name of said city, for the arrest of the body of any person or persons charged with any such offence, and such person or persons, if found guilty, as charged, may be fined by said mayor, in any sum not less than one, nor more than ten dollars; which [fine,] when paid, shall be for the use of said city, and said mayor, in rendering judgment for such offences, shall order the defendant or defendants to stand committed until the fine and costs shall be paid or replevied. And on failure to pay or replevy the same, said mayor may commit said defendant or defendants to prison until the said fine and costs be paid or replevied. *Provided*, The mayor of said city may, in his discretion, bring an action of debt in such cases, and recover from such persons in such action, such sums of money as may be provided in such cases, under this act, or the ordinances of said city, as in other cases.

Sec. 90. Whenever the inhabitants of said city shall become desirous of prohibiting the retailing of spirituous liquors within said city, notice shall be published at the time, and in the manner prescribed as to other elections, that a vote on that question will be taken at the next annual April election thereafter, and the qualified voters of said city may at such annual election, after said notice has been given, place on their tickets, voted at such election, "license," or "no license." And if a majority of the qualified voters voting at such election, shall vote "no license," it shall not be lawful for said city council to grant any license to vend or retail spirituous liquors for one year after such vote shall have been taken.

Sec. 91. This act is hereby declared to be a public act, and may be read in evidence in all courts of law and equity in this State, without proof.

Sec. 92. Whenever a majority or any larger proportion of the city council is required by this act to vote affirmatively on any question in order to its passage, it shall be construed to mean such proportion of all the members to which all the wards of said city are at the time, entitled, including with the numbers present, all absent members, and all vacancies existing at the time in the city council.

Sec. 93. All the officers of the city of Lawrenceburgh, now in office therein, shall remain and continue in their respective offices and perform the several duties thereof, under the provisions of this act, until the time shall expire for which they have been elected, and until their successors shall be chosen, or appointed and qualified, and all laws, ordinances, by-laws and police regulations heretofore lawfully passed and adopted by [the] council of said city, shall remain and continue in full force, until altered or repealed by the council of said city.

Sec. 94. All acts and parts of acts contravening any of the provisions of this act, whether general, local or special, be and the same

are hereby repealed. And no act or law of this State, local or general, now passed, or which may hereafter be passed, shall be construed to alter, repeal, amend or modify, or in any way affect any of the provisions of this act of incorportion, or any amendment thereto, unless in such act special reference be made in words, to this act of incorporation of said city. The General Assembly of the State of Indiana may at any time hereafter, alter, amend or repeal this act, or any part thereof, but the same shall be done only by a vote or votes directly on the question of such alteration, amendment or repeal, and not in any other way.

SEC. 95. This act to take effect, and be in force from and after its passage.

CHAPTER LVI.

An Act to amend the Act entitled "An Act to incorporate the Terre Haute and Richmond Rail Road Company," approved January 26, 1847, and the several Acts amendatory of said Act.

[APPROVED JANUARY 20, 1851.]

WHEREAS: The President and Directors of the Terre Haute and Richmond Railroad Company, as organized west of Indianapolis, have consented to, and solicited a separation from the directors and stockholders of said road east of Indianapolis, and to terminate the construction of said road at Indianapolis; and

WHEREAS: A large amount of stock has been subscribed to said road east of Indianapolis, and four directors have been elected by said stockholders, east of Indianapolis, who have entered into sundry contracts for the construction of said railroad east of Indianapolis, and they, and the stockholders they represent, are desirous of constructing said road from Indianapolis to the State line; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*: That the said Terre Haute and Richmond Railroad be, and the same is hereby terminated at Indianapolis, as the same is in said city located; and the said president and directors of said road west of Indianapolis, are hereby released and discharged from the construction of any part of said road east of Indianapolis.

SEC. 2. The directors of said company, elected by the stockholders east of Indianapolis, and such stockholders are hereby created a body corporate, by the name and style of the "Indiana Central Railway Company," and by such corporate name shall be known, and may sue and be sued in all courts of competent jurisdiction.

SEC. 3. The stockholders of said Terre Haute and Richmond Railroad east of Indianapolis, at such time and place as may be appointed by said directors residing east of Indianapolis, shall meet and by themselves or by proxy in writing, elect directors for said Indiana Central Railway, who shall organize a board and elect similar officers to the Terre Haute and Richmond Railroad Company, and who shall take the same oaths, possess the same powers and discharge similar duties with the directors and officers of said Terre Haute and Richmond Railroad Company.

SEC. 4. All subscriptions of stock at Indianapolis and west of the same, to said Terre Haute and Richmond Railroad Company, are hereby legalized, and are hereby made collectable in the name of said company, and for the use of the same west of Indianapolis; and the said Terre Haute and Richmond Railroad Company is hereby forever discharged from all liability to construct said road east of Indianapolis, and shall have no right or claim to any part of the stock or monies of said company subscribed east of Indianapolis.

SEC. 5. All stock in said Terre Haute and Richmond Railroad Company, subscribed east of Indianapolis, and all the acts and doings of the directors elected by the stockholders east of Indianapolis, and all contracts made by and with said directors as such, for the surveys and construction of said road, are hereby legalized, and shall inure to the use of, and such stock shall be collectable in the name of, and for the use of said Indiana Central Railway Company; and said company shall on their part perform all such contracts, and may by suit, if necessary, enforce all such contracts.

SEC. 6. Said Indiana Central Railway Company shall, with all convenient speed, construct said road in the general direction of the National road, so as not to interfere with said National road from Indianapolis east to the State line dividing this State and the State of Ohio, as may best comport with the interests of said company, and for that purpose may open books and receive further subscriptions of stock in such way and manner as may be deemed most advisable by said company, and shall possess the same rights, privileges and immunities, and be subject to the same restrictions and liabilities as said Terre Haute and Richmond Railroad Company; and the said act incorporating said Terre Haute and Richmond Railroad Company, so far as the same may now be in force, and all acts amendatory thereof, or made in aid of the same, are hereby extended to and declared to be, so far as applicable, the charter of said Indiana Central Railway Company; and the last named company shall have the same powers, rights and privileges in every particular that said Terre Haute and Richmond Railroad Company might or would possess under similar circumstances.

SEC. 7. Said company may, at any time when it may be deemed advisable by a majority of the directors in each, unite and consolidate said roads into one, under such common corporate name as

may be agreed upon; and either of said companies may unite and consolidate with any other Railroad company within or without this State, constructing or having constructed any railroad in the same general direction of either of said roads, and to assume such corporate name as may be agreed upon by the parties.

SEC. 8. If any such union should be effected between said Terre Haute and Richmond Railroad Company with said Indiana Central Railway Company, or if either of said companies should unite or consolidate with any other railroad company, all rights, claims, privileges, suits and rights of action shall be transferred to, vested in, and recoverable in the corporate name agreed upon by the parties, as fully and effectually as if no such union had been effected.

SEC. 9. This act shall be a public act, and shall be so construed, and shall be in force from and after its passage.

CHAPTER LVII.

An Act to amend an act entitled "an act to incorporate the Williamsburgh and Centreville Turnpike Company," approved January 11, 1849.

[APPROVED FEBRUARY 6, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Williamsburgh and Centreville Turnpike Company shall have the right to demand, sue for and collect toll of all persons who may use any portion of said road lying between gates, even though such person or persons may not pass through any gate; and when any person uses said road between gates and refuses to pay toll therefor after demand made by any authorized agent of said company, said company may bring suit therefor in an action of assumpsit before any justice of the peace in Wayne county, and recover said toll and three-fold the amount thereof in damages against said person.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER LVIII.

An Act to incorporate the town of Pendleton, in Madison county.

[APPROVED FEBRUARY 5, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Thomas C. Bell, John R. Roston, D. Bowsman, Jeptha Johnson, A. Taylor, William Silver, John W. Walker, Isaac N. Busbey, Thomas Silver and John H. Cook, of the town of Pendleton, they and their successors in office, be, and they are hereby constituted a body politic and corporate, under the name and style of the trustees of the town of Pendleton, with full power to sue and be sued, plead and be impleaded, in any court of competent jurisdiction. The above named trustees shall continue in office until the first Monday in January, 1852, and until their successors in office are duly elected and qualified.

SEC. 2. The said trustees shall hold their meeting in said town on the first Monday of March next, and shall elect a President from their body, who shall preside at all meetings of the board, put all questions, and shall sign the minutes of the proceedings of all meetings of the board. *Provided, however*, That [should] the president be absent at any meeting of the board, said board may elect a president *pro tem.*, who shall for the time being discharge all the duties of president; and the board at their first meeting shall also appoint a clerk, a collector, treasurer, supervisor and assessor.

SEC. 3. That said president and trustees shall cause an election to be held on the first Monday in January, 1852, and annually thereafter, for the purpose of electing ten trustees for said town, of which election public notice shall be given in such manner as said trustees may direct, at which election every qualified voter (at other elections) resident in said town, shall be entitled to vote; and said trustees, when elected, shall appoint officers for said town as in the second section of this act provided. And that the following sections, to-wit: Nos. 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18, of an act entitled "an act to incorporate the town of Pendleton," approved February 15, 1839, be, and the same is hereby revived and continued in full force, and made a part of this act.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER LIX.

An Act to reorganize the Evansville Insurance Companies, chartered under the several acts of February 8th, 1836, and January 21st, 1850.

[APPROVED FEBRUARY 6, 1851.]

WHEREAS, By an act entitled "an act to incorporate the Evansville Insurance company," approved February 8, 1836, an Insurance company was chartered at Evansville, Indiana, under the name and style of "the Evansville Insurance Company," with a capital of two hundred thousand dollars; and

WHEREAS, By an act approved January 21st, 1850, entitled "an act to incorporate the Evansville Insurance Company," another company was chartered at the same place under the same name and style, to-wit, "the Evansville Insurance Company," with a capital of fifty thousand dollars; and

WHEREAS, Said companies have organized under their respective acts of incorporation, and are desirous of reorganizing with the several capitals of each as one company; therefore—

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That said companies are hereby reorganized under their several acts of incorporation so as to form one company, under the name and style of "the Evansville Insurance Company," with all the powers, rights, privileges and franchises appertaining to each, except as herein otherwise provided, and with a capital stock of two hundred and fifty thousand dollars.

SEC. 2. That within sixty days after the passage of this act, the stockholders of said companies shall meet at the office of the company chartered under the said act, approved January 21st, 1850, in the city of Evansville, (ten days previous notice being given by publication in some newspaper in said city,) and proceed to an election of directors of the Evansville Insurance Company, reorganized under the provisions of this act; and when so reorganized, said company shall be known and held as the Evansville Insurance Company, and shall possess all the rights, powers, privileges and franchises belonging to said companies respectively, as chartered under the several acts of incorporation above mentioned. *Provided*, It shall not be lawful for said company directly or indirectly to charge or receive a greater rate of interest on notes, bills or other evidences of debt, and no greater rate of exchange than the State Bank of Indiana is now allowed by law to receive, or as [may] hereafter be the current rate of exchange; and that it shall not be lawful for said company to charge or receive any compensation for indorsing or insuring the payment of any bond, bill, note or other instrument of indebtedness; and so much of section thirteen of the act of in-

corporation of said company, approved February 8, 1836, and all acts inconsistent with this amendment be, and the same is hereby repealed. This amendment shall not be so construed as to interfere with the business of bona fide insurance by said company, or the issuing of policies of insurance against loss by fire or any kind of risk on property in course of transportation, or otherwise, and the charging and the receiving such a rate of premium as may be agreed upon between the parties. *Provided*, That said company shall not be authorized to receive or accept any part of this amendment without accepting the whole, and an acceptance of any part of the amendment shall be taken as conclusive evidence that the company have accepted the whole provisions of this act.

SEC. 3. The individual liability of the stockholders and officers of "the Evansville Insurance Company" as reorganized and chartered under the provisions of this act shall be the same provided for by the twenty-first section of the act incorporating "the Evansville Insurance Company," approved January 21st, 1850, and none other.

SEC. 4. That the real and personal estate, business, property, funds and prudential concerns of "the Evansville Insurance Company," as reorganized under the provisions of this act, and the administration of its affairs, shall be under the management, direction and control of a board of nine directors, who shall be stockholders of said company, and citizens of the State of Indiana; and after the election of the first board as provided for by the second section of this act; said directors shall be elected annually on the first Monday in September, at such time of day and at such place in the city of Evansville as the directors for the time being shall direct; and the directors elected at any meeting after the first shall hold their offices until the next annual election, and until their successors are elected and qualified.

SEC. 5. That the election of directors of said company as reorganized and consolidated under this act, shall be taken and held as an acceptance by them of the provisions of this act, and no further act of acceptance shall be required. *Provided*, That a majority of the stockholders in each of said companies shall vote at said election.

SEC. 6. That if said company chartered by the said act approved February 8th, 1836, shall fail to assent to the provisions of this act, and by reason thereof the said company should not be reorganized and consolidated under the provisions of this act, in the manner hereinbefore provided for, then, and in that case it shall be lawful for the president and directors of said company chartered by the said act, approved January 21st, 1850, to increase the capital stock of said company to any amount not exceeding two hundred thousand dollars, and also to adopt or assume any other corporate name for said company, or make any change in, or addition to its present corporate name, which said president and directors may deem neces-

sary to distinguish said company from the other company chartered by said first mentioned act; and the resolution changing said corporate name shall be recorded in the books of said company, and a copy thereof certified by the president and secretary of said company, shall be recorded in the recorder's office of Vanderburgh county, and thereafter said company shall be known by the name so adopted, and the same shall be valid to all intents and purposes as if said company had been originally incorporated by that name. *Provided*, That the power to alter, amend or repeal this act, or the act of January 21st, 1850, shall not be exercised unless sixty days' notice of the intention to exercise such power shall have been given to said company, which notice shall set forth specifically the causes for such amendment, alteration or repeal, and may be given by personal service of such notice on the president or any two of the directors of said company, or by publishing the same for three weeks successively in any public newspaper of general circulation printed and published in Vanderburgh county.

SEC. 7. This act shall be in force from and after its passage, and shall be deemed a public act, and as such shall be taken notice of by all courts and persons.

CHAPTER LX.

An Act to locate a State road on the line dividing Wayne and Randolph counties.

[APPROVED FEBRUARY 8, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Daniel Clark, of the county of Wayne, and Miles Hunt, of the county of Randolph, be, and they are hereby appointed commissioners to view, mark out and locate a State road, on the line dividing the counties of Wayne and Randolph, commencing at the Fort Wayne road, thence west, on or near the line dividing said counties, through the lands of Peter Wright and other individuals, to the lands of William Clements, there intersecting the boundary road.

SEC. 2. Said commissioners shall proceed to locate said road previous to the first day of September, 1851, and shall be governed in all things by the general law now in force relative to laying out State roads.

SEC. 3. This act to be in force from and after its passage.

CHAPTER LXI.

An Act to incorporate the Ohio and Wabash Plank Road Company.

[APPROVED FEBRUARY 5, 1851.]

SECTION 1. [*Be it enacted by the General Assembly of the State of Indiana*,] That John Law, Willard Carpenter, Moses Ross, Hugh Stewart and John Reitz, of the county of Vanderburgh, and State of Indiana—Jonathan Jacques and James Endicott, of the county of Posey, in the same State, and their associates and successors be, and they are hereby constituted a body politic and corporate, under the name and style of the "Ohio and Wabash Plank Road Company," and by said name may sue and be sued, defend and be defended, answer and be answered unto in any competent court in this State or elsewhere, and shall by such name make and have a common seal, and the same alter and change at pleasure, and shall be able and capable in law of contracting and being contracted with, and doing all and every thing in their business as herein allowed, as individuals might, could or would do, or as corporations might do at common law.

SEC. 2. The capital stock of said company shall be one hundred thousand dollars, to be divided into shares of twenty-five dollars, with power to increase the capital stock if necessary to accomplish the objects contemplated.

SEC. 3. The directors in this act named, or a majority of them, shall meet at such time and place as they may agree on, and organize said corporation by electing one of their number president, and after their organization any four of said board shall be a quorum.

SEC. 4. The corporation shall have power to appoint agents, clerks, treasurer, surveyor, engineer, superintendents, artists, and all other persons and officers necessary to carry into effect the provisions of this act; and they shall keep a journal of their proceedings, in which shall be entered all by-laws and regulations, and orders for the payment of such allowances as may be made to their officers, and all others in their employment; which journal and proceedings from time to time shall be signed by their president. They shall sit on their own adjournments, or on call of the president. When the president is absent, they may appoint a president *pro tem.*, who shall fill all vacancies that may occur in their body.

SEC. 5. The corporation shall cause books to be opened for subscription to the capital stock of said company, at such times and at such places as they may choose, due notice of which shall be given; in each of which books the following entry shall be made: "We, the undersigned, promise to pay the sum of twenty-five dollars for each share of stock set opposite our respective names, in

labor, materials, land or money, in such manner and at such times, and in such proportion, as the president and directors of the "Ohio and Wabash Plank Road Company" may direct; the value of all subscriptions other than cash to be settled by the board of directors, to be appraised at what the board shall consider their actual cash value at the time of payment: Witness our hands and seals this —— day of ——, 185 ."

Sec. 6. It shall be lawful for all persons of lawful age, for the agent of any corporate body, the mayor and common council of any city, the corporation or trustees of any town or village in the United States, to subscribe for any amount of capital stock in said company; and the books for the subscription of stock shall be kept open in such place or places within the State of Indiana, or any other State, and for such periods of time as the corporation may direct. And for the purpose of raising money to complete the road contemplated by this charter, or any part thereof, the corporation shall have power to borrow money, either by mortgage of the road, or [in] any other manner that may be agreed on between the corporation and the party or parties of whom the loan may be obtained.

Sec. 7. As soon as four hundred shares are subscribed, it shall be the duty of the corporation to give three weeks' notice in some public newspaper printed in Vanderburgh county, and in such notice to appoint a time and place for the stockholders to meet and appoint seven directors, who shall be stockholders; which election shall be held within three months after the last share of the four hundred is subscribed for, and shall be conducted by three judges appointed by the stockholders present, and the persons having a plurality of the votes given, and counted in public, shall be declared duly elected. No share shall entitle the owner to vote at any election after the first election, unless the same shall have been held one month previous to the election. In all elections one share shall entitle the owner to one vote only; and votes shall be given by persons holding the same, by one of any partners, or by the husband, father, mother, executor, trustee, guardian, or by the authorized agent of any corporation, city, village or town; and any person having the right to vote, may vote by proxy.

Sec. 8. It shall be the duty of the directors elected as above, and those elected at all subsequent elections, to meet as soon thereafter as may be convenient, and elect one of their own number president; and directors thus elected shall continue in office until the next annual election, and until their successors are elected and organized.

Sec. 9. All elections after the first shall be held on the first Monday of June, annually, at such hour and place as the directors may direct, giving three weeks' notice by publication in a newspaper printed in Vanderburgh county. The judges of said election shall be three in number; they shall, after the first election, be appointed by the board of directors, and shall be stockholders, but not directors

at the time of election; and it shall be the duty of the judges, after the result of said election shall be known, to furnish the directors elected with a certificate of their election, which certificate shall be evidence of their right to act as directors. The number of the directors shall be seven, a majority of whom shall constitute a quorum to do business. *Provided*, If there be from any cause no election held on the day appointed, it shall be lawful to hold the election on any other day to be selected by the directors.

Sec. 10. Certificates of stock shall be given to the stockholders, which shall be evidence of the stock held. They shall be signed by the president and countersigned by the clerk. Stock shall be transferred on the books of the company only personally, or by agent or attornies, or by administrators or executor, trustee or guardian; but the corporation shall have a lien upon such stock for all sums due, or to become due from the stockholders to the corporation, either for subscription of stock or upon any contract made prior to such transfer.

Sec. 11. The corporation shall have power to call for such part of the stock subscribed as may seem necessary to carry on the work, to be paid by the stockholders in such materials, land, labor or money as shall have been designated by the party subscribing for such stock, to be paid at such time and place as the board of directors may designate, by giving thirty days' notice in a public newspaper printed in Vanderburgh [county,] or by giving written notices to the stockholders. In all notices the amount demanded on each share, and the time and places of payment shall be set forth; and it shall be the duty of the board of directors to require each person subscribing for stock in materials or labor, to furnish the same upon the road most convenient to the premises; and if any stockholder shall neglect or refuse to pay, or furnish such requisition within ten days after the time mentioned in such notice for such payment, the corporation shall have the power to collect the same before any court of competent jurisdiction, the same to be collected without the benefit of valuation or appraisement laws. The corporation shall have power, through the president, and in his name, but for their use, to purchase the stock of any stockholder when offered in execution on a judgment obtained against him in favor of the corporation, and sell the same in their discretion for the benefit of the corporation.

Sec. 12. The corporation shall require all officers and others in their employment, to give bond with security, for the faithful performance of their duties.

Sec. 13. Said corporation, by their agent or agents, shall have power from time to time to examine, survey, locate and construct said road from the town of Lamasco, in the county of Vanderburgh and State of Indiana, and thence in a north-westerly direction to the boundary line of the counties of Vanderburgh and Posey, in the

direction of Poseyville, and thence to some convenient point on the Wabash river; said point to be determined on by the directors of said company; and said corporation is hereby empowered to take possession of, occupy, use and locate said road over and upon any State or county road, or other public highway; and therefrom such State or county road and public highway, or such portion thereof as may be occupied and appropriated by said company, shall become the property of said company for the purpose of making and maintaining said road and the gates and toll houses on the same, together with all bridges on the same lying and being on the line or direction of said plank road on the route aforesaid. *Provided, however*, That if said plank road should be located and constructed beyond the line of Vanderburgh county and within the limits of Posey county, the consent of the board of county commissioners of Posey county, to the location and construction of the same shall be first had and obtained.

Sec. 14. That for the purpose of making said examination and location of said plank road, it shall be lawful for the corporation, by their agents and persons in their employ, to enter upon any lands to make surveys and estimates, for the purpose of searching for stone, gravel, wood and other materials necessary for the construction of said road.

Sec. 15. It shall be lawful for the corporation, either before or after the location of any section of said road, to obtain from the person or persons through whose land said road may pass, a relinquishment of so much of said land as may be necessary for the construction of said road and the location of the same, as also the stone, gravel, wood, timber or other material that may be obtained on said route, or near thereto, for the benefit of said corporation, and all such contracts, relinquishments, donations, gifts, grants or bequests, made or entered into in writing, by any person or persons capable in law to contract, made in consideration of said location or otherwise, and for the benefit of the corporation, shall be binding and obligatory; and the corporation may have an action at law or in chancery in any court of competent jurisdiction, to complete [compel] the observance of the same.

Sec. 16. The corporation shall cause said road to be opened not exceeding one hundred feet wide; and at least sixteen feet of said road shall be made an artificial road. The track of said road shall be constructed of timber, plank, gravel or other hard material, so that the same shall form a hard, smooth and even surface. The particular manner of building said road shall be determined by the directors of the company, and also whether the same or any part thereof shall be a single or double track.

Sec. 17. That the said company, for the purpose of constructing said road, may take possession of, and use any lands over and upon which said road shall or may be located, and may enter upon and

take from any lands adjoining or near said road, any timber, gravel, stone or other materials which may be required for the use of said road; and if any person or persons owning lands over or upon which said road shall be located, shall refuse to relinquish the same to said company for the use of said road, or if no satisfactory contract can be made by said company with such owner or owners for said land, it shall be lawful for such company or their agent, or for such owner or owners to give notice thereof to some justice of the peace of the proper county, and such justice shall thereupon, if the notice is given by the company, summon the owner or owners of such lands, if a resident of the county; and if the notice is given by such owner or owners of such land, shall summon said company to appear before him on a day to be named in such summons, and within ten days from the issuing of said summons, and if the parties cannot agree, then said justice shall issue a *venire* for summoning a jury before him of three disinterested men of the county, to be selected by such justice; and such jury, after having taken an oath faithfully and impartially to assess the damages, if any, shall view the lands upon which such damages are claimed, and shall determine the same, duly considering the advantages of said road to said owner or owners to any lands owned by him or them, and shall make report thereof to said justice, whereupon he shall enter judgment upon said report, from which judgment either party may appeal to the circuit court of the proper county; and any summons issued against said company, pursuant to this section, may be served on the president or secretary, or any two directors of said company. *Provided, however*, That if judgment shall be rendered in any case against said company and in favor of any such owner or owners, pursuant to this section, and such owner or owners shall, upon the rendition thereof, inform such justice that he is satisfied with such judgment and does not desire to appeal therefrom, it shall be the duty of such justice to enter such declaration on his docket; and thereupon it shall be the duty of said company, within three days from and after the rendition of said judgment, to either appeal therefrom and give security as in other cases of appeal from justices of the peace, or to pay or tender the amount of such judgment, or to cause ample replevy bail to be entered on the docket of such justice, for the payment of such judgment with interest thereon, within thirty days from the rendition thereof; and after the expiration of said thirty days execution may issue on such judgment against said company and said replevy bail, which execution shall be collectable without any regard to valuation or appraisement laws; and until such judgment is appealed from, paid, tendered or replevied as aforesaid by said company, it shall not be lawful for said company to proceed any further in the construction of said road in, upon or over said land of said owner or owners.

Sec. 18. In case such company shall fail to make a satisfactory agreement or contract with the owner of any timber, stone, gravel

or other material, which may be taken from any land for the use of said road, pursuant to the provisions of the seventeenth section of this act, such company or such owner or owners of said lands may proceed in like manner to have the value of such materials assessed as is above provided for the assessing the value of lands. *Provided*, That the jury, in assessing such damages, shall not take into consideration the advantages of said road to the owner or owners of such materials.

Sec. 19. The board of directors of said company shall have power to supply vacancies in the office of president, secretary and treasurer of said company; and to meet from time to time as often as may be thought expedient; to adjourn from time to time as they may think necessary; to adopt and establish such rules and regulations, and make by-laws not inconsistent with the laws of this State, as in their judgment the business of the company may require, and are necessary for the better organization of the company, and to enable them to do and perform their duties, and carry out the designs of the powers granted by this act, and alter and amend at pleasure any by-law of said company, as the said board may deem necessary; to appoint all subordinate officers, engineers, agents and workmen that may be necessary to carry out the objects of said company; to demand at such time and in such proportions as they shall see fit, the sum of money or such subscription in materials or labor due by the stockholders on their respective subscriptions of stock, under pain of forfeiture to the company of their shares of stock, and all previous payments thereon, or of such other penalties as may be prescribed by the by-laws of said company, or to sue therefor and recover the amount due in an action of assumpsit or debt, in any court of competent jurisdiction; to issue proper certificates of stock to the stockholders, and to determine in what manner and under what restrictions the shares of stock shall be made transferable; to fix the compensation and prescribe the duties of the several officers and agents in their employ; to open and continue open as long as necessary, books for the subscription of the stock of said company, to acquire, purchase, sell, lease and dispose of real estate for the use of the company; to establish and construct toll houses, offices, mills and all other necessary structures, fixtures and machinery, and apparatus for building and keeping in good order said plank road; to order and cause to be made all estimates, surveys and lettings of work at such time and place as they may determine; to prescribe such forms of contracts, rules and regulations, and specifications for the performance of the work, as they may judge proper; to make and construct, and keep in constant repair, said road; to make and declare dividends, profits and income of said road and its appurtenances, mills, and such other sources of income as said company may have, among the stockholders, at such time as they may deem expedient, and do all other necessary and proper

acts in accordance with the provisions of this act, according to its true intents and meaning.

Sec. 20. That when said road is finally located, it shall be the duty of said company to cause a plat or plats of the same to be deposited in the office of the county auditor of Vanderburgh county; and after that time it shall not be lawful to alter or change any part thereof, unless said corporation shall pay the owner or owners of the land on said route the amount of damages he or they may sustain by said change.

Sec. 21. If said road or any section thereof, after its completion, shall be suffered to decay, or be impassable one year, unless the same is repairing, the charter shall be considered forfeited,

Sec. 22. The corporation shall commence the construction of said road within five years, and shall complete so much thereof as shall be for the general interest of all concerned, and the means of the company will allow; and whenever five continuous miles of said road shall be completed agreeably to the provisions of this act, the corporation may then erect a gate or gates at suitable distances apart, not less than five miles, and demand and receive of all persons traveling said road such tolls, and at such rates as said corporation may determine upon, to collect from all persons traveling, or for the privilege of driving all kinds of live stock, wagons and teams, pleasure carriages, sleighs, and all other vehicles and things that may pass said road, or any part thereof, as shall be for the interest of the company; and the same to change, lessen or raise at pleasure; and a list of the rates established from time to time, shall be posted up at some convenient place or places at each gate.

Sec. 23. If any person or persons using said road shall, with intent to defraud said corporation, or to avoid the payment of tolls, or shall pass through any private way, gate or bars, or along any other ground near the said road which shall be open or enclosed, or shall practice any fraudulent means with intent to evade or lessen the payment of such toll; or if any person shall take another off the road with an intent to defraud said corporation, each and every person concerned in such fraudulent practice shall, for every such offence, forfeit and pay to the corporation the sum of five dollars, without any relief from valuation or stay laws, to be recovered with costs of suit in an action of debt, at the suit of the corporation before any justice of the peace in the county where said violation of the provisions of this section occurs. And any person or persons passing or attempting to pass through any toll gate on said road without paying the rate of toll charged, shall be subject to a like penalty, and recovered at the suit of the corporation as above prescribed. *Provided*, That nothing in this act contained shall be so construed as to prevent persons residing along the road from passing about their premises between the gates on said road on ordinary business.

Sec. 24. No person shall drag on or along or across said road any log, wood or timber, so that said log, wood and timber comes in contact with said road where made of plank or timber, in a penalty not exceeding twice the amount of damages done, to be sued for and collected by said company for its own use.

Sec. 25. No tolls shall be exacted from any person or persons while actually going to, or returning from a militia mustering, from any religious meeting on the Sabbath, or from any legal voter going to or from any State, county, or township election, by any toll gatherer in the township in which said voters may reside, or from any person or persons forming a funeral procession, or returning from the same.

Sec. 26. The toll gatherers at each and every gate, when erected on said road in pursuance of this act, may detain and prevent from passing such gate, any carriage or animal subject to toll until the toll is paid for.

Sec. 27. The company shall set up a post or stone at the end of every mile, with the number of miles from the place where the road may commence, fairly cut or painted thereon; and also in a conspicuous place near each gate shall be placed a board with the rates of toll fairly lettered and painted thereon.

Sec. 28. Any person wilfully or negligently defacing, destroying, or removing any [gate,] guide-board, mile-post, or stone, or list of rates of toll erected on said road, or remove any plank, board, or other material which are used or have been used in the construction of said road, shall, on conviction thereof before any justice of the peace or court having competent jurisdiction, forfeit and pay a sum not exceeding twenty dollars, to be recovered with costs of suit in an action on the case, at the suit and for the use of the corporation.

Sec. 29. If any toll gatherer on said road shall unreasonably detain any passenger after the toll has been paid or tendered, or shall demand or receive greater toll than is allowed, he shall, for every offence, forfeit [and pay] a sum not exceeding ten dollars, to be recovered before any justice of the peace having competent jurisdiction, within twenty days after the occurrence, for the use of the party sueing for the same.

Sec. 30. This charter shall be limited to fifty years duration and be in force from and after its passage, and be liberally construed as a public act for all beneficial purposes.

Sec. 31. Every person residing on premises through, or touching which, said road passes, shall have the privilege at all times of passing along said road for the distance of half a mile each way from his residence without paying any toll or charge for himself or any of his property, cattle or teams.

Sec. 32. All suits brought by any person or persons, body politic or corporate, over and upon whose lands said road may be located, shall be brought within six months after said road is located and not after.

Sec. 33. That no gate shall be erected or maintained within one mile of the chartered limits of the town of Lamasco.

Sec. 34. That the several sections numbered 5, 6, 8, 15, 18, in the "act authorizing the construction of plank roads," approved January 15, 1849, be, and the same are hereby adopted and made a part of this act.

Sec. 35. The president and directors, if they shall contract any debts over and above the amount of solvent stock secured, shall be liable in their individual capacity for the payment of all dues to laborers for work done upon said road and which shall not have been paid when due by the company in its corporate capacity.

Sec. 36. The Legislature retains the right to alter, amend or repeal this act whenever they shall think the public good requires it, upon giving sixty days' notice to the president or any two directors of the company previous to the application to alter, amend or repeal this charter, together with a succinct statement of the cause or causes therefor.

Sec. 37. The board of directors shall have power to receive by deed or other proper legal conveyance, any lands, mortgages, stocks in other companies, or materials which may be subscribed or taken for stock in this company, and sell the same for money or labor, or otherwise convert the same into means to be used in the construction of said road, and to give all proper deeds or other legal conveyances that may be necessary to complete the sale of the same.

Sec. 38. The stock of the corporation may be sold on execution and transferred upon the books of the corporation by the officer selling the same, subject to the lien of the corporation as in this act above mentioned.

Sec. 39. The corporation shall make dividends of so much of the profits and at such times as they may think proper, to be divided among the stockholders.

Sec. 40. A full statement of the affairs of the company shall be made to the stockholders at every annual election or at any general meeting of the same.

CHAPTER LXII.

An act to incorporate the Wabash Railroad Company.

[APPROVED FEBRUARY 6, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Horace B. Shepherd, James Emmerson, John McCord, John Scott, and A. B. McKee, of the county of Knox, and Hamet N. Helms, William D. Blackburn, James K. Ohaver, Thomas Marks, Henry K. Wilson, Dr. Crowder, William C. Griffith, Aaron M. Springer, Martin Merry, James Reed, James H. O'Boyle, of the county of Sullivan, and Joel H. Kester, Jacob Ernest, Moses C. Carr, Chauncey Rose, William Brown, and James Farrington, of the county of Vigo, in the State of Indiana, and all such persons as shall become stockholders agreeably to the provisions of this act, shall be, and they are hereby constituted a body politic and corporate, in fact and in name, by the name and style of "The Wabash Railroad company," and by that name they and their successors shall herein perpetuate succession, and shall and may sue and be sued, plead and be impleaded, answer and be answered unto, in all places and courts whatsoever, and shall have power to make and use a common seal, and the same to alter and renew at pleasure, and also to adopt, establish and carry into execution such by-laws, ordinances and regulations as shall by its president and directors be judged necessary or convenient for the government and management of said company, its officers, assets, superintendents and property, and the same to change, alter, repeal, amend and enact, and shall have all other powers incident to corporations at common law. *Provided*, That such by-laws, ordinances, regulations and powers be not contrary to this act of incorporation, the laws and constitution of the United States, or of the State of Indiana.

SEC. 2. The corporation shall have the right and power to construct and forever maintain and continue a railroad with one or more tracks, and with such suitable turnouts, sidelings, and other appendages as may be deemed necessary for the convenient use of the same, commencing at Vincennes, extending thence north through the counties of Sullivan and Vigo to Terre Haute, and at the pleasure of the company north, through the county of Parke to the town of Crawfordsville, in Montgomery county, and to extend south from Vincennes so as to connect, if thought advisable, with the northern terminus of the Evansville and Illinois Railroad company, as provided for in the charter thereof, approved January 2d, 1849, and the amendment thereto, approved January 21, 1850, and the said directors of said company may locate said road on such route as they may deem most convenient and practicable and most conducive to

the interest of said company: *Provided*, In such location no point named in this charter shall be in any way avoided: *Provided*, That so much of the act entitled "an act to incorporate the Evansville and Illinois Railroad company," approved January 2d, 1849, as authorizes or requires the construction of a railroad from Princeton to the Illinois State line, at or near Mount Carmel, is hereby repealed, and the railroad hereby contemplated shall not be extended to said point or connected therewith by a branch.

SEC. 3. The capital stock of said corporation hereby created shall be five hundred thousand dollars, to be divided into shares of fifty dollars each, which shall be deemed personal property and be transferable in such manner as said corporation shall direct by its by-laws.

SEC. 4. That the persons named in the first section shall act, or a majority of them who may consent to act as such, shall be, and they are hereby appointed commissioners, whose duty it shall be to open books to receive subscriptions to the capital stock of said corporation, at such time or times, or place or places as they or a majority of them shall think proper, giving due notice thereof prior to the opening of said books, in each of which books the following entry shall be made to wit: "We, the undersigned, promise to pay the sum of fifty dollars for each share of stock set opposite to our names, in such manner and proportions and at such times as the president and directors of the Wabash Railroad company may direct. Witness our hands, this ——day of——." And that the said books shall be kept open as long as the said commissioners or a majority of them shall think proper, or until two-thirds of the said capital stock hereby created shall have been subscribed, and if any more subscriptions shall be taken than the amount of two-thirds of the said capital stock, it shall be in the power of the said commissioners, or a majority of them, to apportion the stock to the said subscribers *pro rata*, always giving the preference to the citizens of the state of Indiana.

SEC. 5. As soon as one thousand shares of the said stock shall be taken and a sum equal to two dollars on each share subscribed paid to the commissioners, it shall be the duty of the said commissioners, or any five of them, to give due notice thereof in one or more newspapers and in such notice appoint a time and place for the stockholders to meet and elect nine directors, and such election shall then and there be made by such of the stockholders as may choose to vote either in person or by proxy. Each share of the capital stock shall entitle the owner to one vote, any two or more of the commissioners shall be inspectors of the first election, [of] directors of said company and shall certify under their hands the names of those duly elected by a plurality of votes given, and give the subscription-books, moneys, books and papers to said directors, and the time of holding the first meeting of directors shall be fixed by said commissioners.

SEC. 6. The first directors to be elected shall hold their offices until the next annual election of directors, and the election of directors

thereafter shall be held annually at such place or places as shall be fixed by the by-laws on the first Monday in October in each and every year; notice of the same being first given in such manner as the by-laws shall direct. Every election shall be held under the inspection of three stockholders not being directors, who shall be previously appointed by the board of directors. All elections shall be by ballot and a plurality of the votes given, either personally or by proxy, shall constitute a choice. No stockholder shall be eligible to the office of director unless he shall own at least to the amount of one hundred dollars of stock in said corporation. In case an equal number of votes shall be given for any two or more directors, the remaining directors shall, by ballot, determine which of said persons so having an equal number of votes shall be a director.

Sec. 7. In case it shall so happen that an election for directors shall not be made on any day when, pursuant to this act, it ought to have been made, the said corporation shall not, for that cause, be dissolved, but such election may be held at any other time, directed by the laws of the corporation within one year after the day on which it should have been held, and the directors shall continue to act until a new board shall be elected.

Sec. 8. The said directors or a majority of them may supply any vacancy occurring in the interval between the annual elections by the death, resignation, removal, or refusal to act, of any president or director, and may appoint a treasurer, a secretary and all other officers, engineers, superintendents and servants that may be required to transact the business of the company, with such compensation as they may determine upon, and may exact from them such security for the due performance of their respective duties as they may deem expedient. The said directors, as soon as convenient after their election, shall elect one of their number to be president of the board of directors, whose duties shall be defined by the by-laws of the corporation.

Sec. 9. The said corporation is hereby empowered to purchase, receive and hold such lands and real estate as may be necessary and convenient for the full accomplishing of the objects for which this act of incorporation is granted and made, and by their agents, surveyors, engineers and other persons in their employ, enter upon and take possession of and use all such lands and real estate and materials as may be necessary for the construction and maintainance of their said railroad and appendages, and the accommodations and appurtenances required and appertaining thereto, and it shall be lawful for the said president and directors, their agents, superintendents, and others in their employ, to enter at all times upon all lands and water, to whomsoever they may belong, for the purpose of exploring, surveying, leveling, or laying any proposed route or routes for the said railroad, and to erect all necessary embankments, works and appendages of the said survey, and make such marks and monuments to indicate and perpetuate the lines and description of the said route or routes,

doing no unnecessary injury to private or other property, and being liable for damages to the owner of any such lands or property for any injury that may be done thereto, and may also acquire, hold and possess, by purchase, devise, or voluntary grant, from the general or state government, or from any corporation, company, individual or individuals, any lands or real estate within the state of Indiana, to aid in the construction, maintainance and accommodation of said railroad, completely vesting in the said corporation, absolutely in fee simple the same, with power and authority in law to pledge, mortgage, bargain, sell and convey the same to aid in carrying into full effect the interests and objects of this incorporation. *Provided*, That the lands to be held by this corporation during the time of the existence of this charter, shall be confined to such lands only as are necessary for the construction and maintainance and accommodation of said railroad and appendages not exceeding fifty feet on each side of the centre line of said road, and such other plats of land as shall be necessary for the erection of ware-houses, engine-houses, work-shops, stables, reservoirs for water, and other buildings on the route, and at either termination of the said railroad, and all other lands and real estate whatsoever, in any manner howsoever acquired, shall be sold and disposed of by the said corporation within fifteen years from and after the passage of this act; and no other lands or real estate shall be afterwards acquired by the said corporation; but all lands and real estate entered upon for materials or the road way, which are not donated to, or owned by the company, shall be purchased by the corporation of the owner or owners thereof, at a price mutually to be agreed upon by the company and the owner or owners. In all cases where the owner or owners of lands, stone, gravel, wood, or other materials necessary for the use and construction of said road, shall refuse to relinquish the same to the corporation, or shall refuse to accept a fair compensation therefor, it shall be lawful for their president, or by superintendent, agent, or engineer, employed by them to enter upon and take possession and to use the same, avoiding in all cases unnecessary damage or injury to the owners or proprietors, and when the said owner or owners may feel aggrieved or injured in consequence of such use of land, or stone, or other materials, the person or persons so feeling aggrieved or injured, shall make complaint in writing before the nearest justice of the peace within the county where such supposed injury had been done, particularly setting forth the nature and locality of the injury and the interests of the complainant or complainants therein; whereupon such justice of the peace shall require the president of said company to appoint one disinterested appraiser, who shall be a citizen of the county in which such justice has jurisdiction, and who shall not be a stockholder in said company, within thirty days from the date of such requisition of the justice, and notify such justice of the name and place of residence of such appraiser; such justice of the peace shall also require the complainant or complainants to appoint one disinterested appraiser, who shall be a

thereafter shall be held annually at such place or places as shall be fixed by the by-laws on the first Monday in October in each and every year; notice of the same being first given in such manner as the by-laws shall direct. Every election shall be held under the inspection of three stockholders not being directors, who shall be previously appointed by the board of directors. All elections shall be by ballot and a plurality of the votes given, either personally or by proxy, shall constitute a choice. No stockholder shall be eligible to the office of director unless he shall own at least to the amount of one hundred dollars of stock in said corporation. In case an equal number of votes shall be given for any two or more directors, the remaining directors shall, by ballot, determine which of said persons so having an equal number of votes shall be a director.

Sec. 7. In case it shall so happen that an election for directors shall not be made on any day when, pursuant to this act, it ought to have been made, the said corporation shall not, for that cause, be dissolved, but such election may be held at any other time, directed by the laws of the corporation within one year after the day on which it should have been held, and the directors shall continue to act until a new board shall be elected.

Sec. 8. The said directors or a majority of them may supply any vacancy occurring in the interval between the annual elections by the death, resignation, removal, or refusal to act, of any president or director, and may appoint a treasurer, a secretary and all other officers, engineers, superintendents and servants that may be required to transact the business of the company, with such compensation as they may determine upon, and may exact from them such security for the due performance of their respective duties as they may deem expedient. The said directors, as soon as convenient after their election, shall elect one of their number to be president of the board of directors, whose duties shall be defined by the by-laws of the corporation.

Sec. 9. The said corporation is hereby empowered to purchase, receive and hold such lands and real estate as may be necessary and convenient for the full accomplishing of the objects for which this act of incorporation is granted and made, and by their agents, surveyors, engineers and other persons in their employ, enter upon and take possession of and use all such lands and real estate and materials as may be necessary for the construction and maintainance of their said railroad and appendages, and the accommodations and appurtenances required and appertaining thereto, and it shall be lawful for the said president and directors, their agents, superintendents, and others in their employ, to enter at all times upon all lands and water, to whomsoever they may belong, for the purpose of exploring, surveying, leveling, or laying any proposed route or routes for the said railroad, and to erect all necessary embankments, works and appendages of the said survey, and make such marks and monuments to indicate and perpetuate the lines and description of the said route or routes,

doing no unnecessary injury to private or other property, and being liable for damages to the owner of any such lands or property for any injury that may be done thereto, and may also acquire, hold and possess, by purchase, devise, or voluntary grant, from the general or state government, or from any corporation, company, individual or individuals, any lands or real estate within the state of Indiana, to aid in the construction, maintainance and accommodation of said railroad, completely vesting in the said corporation, absolutely in fee simple the same, with power and authority in law to pledge, mortgage, bargain, sell and convey the same to aid in carrying into full effect the interests and objects of this incorporation. *Provided*, That the lands to be held by this corporation during the time of the existence of this charter, shall be confined to such lands only as are necessary for the construction and maintainance and accommodation of said railroad and appendages not exceeding fifty feet on each side of the centre line of said road, and such other plats of land as shall be necessary for the erection of ware-houses, engine-houses, work-shops, stables, reservoirs for water, and other buildings on the route, and at either termination of the said railroad, and all other lands and real estate whatsoever, in any manner howsoever acquired, shall be sold and disposed of by the said corporation within fifteen years from and after the passage of this act; and no other lands or real estate shall be afterwards acquired by the said corporation; but all lands and real estate entered upon for materials or the road way, which are not donated to, or owned by the company, shall be purchased by the corporation of the owner or owners thereof, at a price mutually to be agreed upon by the company and the owner or owners. In all cases where the owner or owners of lands, stone, gravel, wood, or other materials necessary for the use and construction of said road, shall refuse to relinquish the same to the corporation, or shall refuse to accept a fair compensation therefor, it shall be lawful for their president, or by superintendent, agent, or engineer, employed by them to enter upon and take possession and to use the same, avoiding in all cases unnecessary damage or injury to the owners or proprietors, and when the said owner or owners may feel aggrieved or injured in consequence of such use of land, or stone, or other materials, the person or persons so feeling aggrieved or injured, shall make complaint in writing before the nearest justice of the peace within the county where such supposed injury had been done, particularly setting forth the nature and locality of the injury and the interests of the complainant or complainants therein; whereupon such justice of the peace shall require the president of said company to appoint one disinterested appraiser, who shall be a citizen of the county in which such justice has jurisdiction, and who shall not be a stockholder in said company, within thirty days from the date of such requisition of the justice, and notify such justice of the name and place of residence of such appraiser; such justice of the peace shall also require the complainant or complainants to appoint one disinterested appraiser, who shall be a

citizen of the county, and shall not own land within three miles of the said road; and such justice shall thereupon summon the appraisers so appointed to meet on a certain day and select a third appraiser, disinterested, who shall also be a citizen of that county, and shall neither own stock in said corporation nor land within three miles of the line of said road, and the three appraisers so appointed, after being duly sworn by said justice to do impartial justice between the complainant or complainants and the corporation, and to take into consideration the benefits resulting to the complainant or complainants by the construction of the road, according to the best of their judgments, shall, upon actual trial and computation and view of the supposed damages, make up their award and report the same to such justice, who shall thereupon record the same, together with all costs, and enter his judgment and enforce its collection in the same manner that other judgments are collected. *Provided*, That the complainant or complainants shall be liable to pay all costs unless the award of the appraisers exceeds in amount the sum previously offered by the agents of the corporation as a compensation for the supposed injury; the decision and award of the appraisers so made shall be final between the parties unless either party shall appeal the same to the circuit court of the county where such difficulty arose, within thirty days after such award is made, and when such appeal is taken it shall be governed by the same rules and regulations as appeals from judgments of justices of the peace in other cases; and in all cases as aforesaid in the decision and judgment of the court and jury, the benefits resulting to the complainant or complainants from the construction of the road shall be taken into consideration, and the judgment of the court so rendered, and the award of the appraisers made as before provided, where no appeal is taken, shall be paid by the corporation. *Provided*, That no claim shall be recovered or paid by said corporation unless the application therefor be made as herein provided within two years next after the property shall have been taken possession of as aforesaid, and each appraiser aforesaid shall be allowed the sum of one dollar per day for each day they may be actually engaged.

Sec. 10. In case any married woman, infant, idiot, or insane person, or non-resident of the state, interested in any lands or real estate, shall not appear after such notice, the circuit court or justice of the peace shall appoint some competent person to appear before said freeholders or commissioners and act for, and on behalf of such married woman, infant, idiot, or insane person, or non-resident of the State.

Sec. 11. The president and directors aforesaid shall cause such examination and survey for the said railroad to be made as may be necessary to the selection of the most advantageous line, location, course or way, for the said road on the route set forth in the 2d section of this act, and shall, after such examination and survey be made, select, and by certificates under the hands and seals, or under

the hands and seals of a majority of them, designate the line [of] location, course or way, which they, or a majority of them shall deem most suitable and advantageous for said road, a copy of which certificate shall be filed in the clerk's office of each county through which said road shall pass, and be recorded and preserved in said clerk's office at the expense of said corporation, and on said location, course or way, the corporation shall construct, erect, build, and make the railroad contemplated by this act, unless the said corporation shall afterwards find it necessary to change or alter the same.

Sec. 12. When the route, line, location, course or way of the said road, or any division, portion or section thereof shall be determined upon as provided for in the preceding section, it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors and workmen, to enter on the said line [or] location of the road, and to erect embankments, bridges, viaducts, culverts, and all other works necessary, to lay rails thereon, and to do all other things which shall be suitable and necessary for the effectual completion of the said road; and so soon as said road, or any division, portion or section thereof shall be ready for use, the said corporation are authorized and empowered to procure and place cars and carriages thereon for the purpose of transporting persons and property of every description, and may use any description of power or powers on said road that they may deem most useful, safe and expedient. The president and directors shall, by rules and regulations to be adopted and published from time to time, regulate the time of departure and arrival of cars and carriages, the rate of speed and travel on said road, the description of cars and carriages to be employed, the weight of load for each, and all and every matter and thing necessary for the safety and accommodatian of persons and property to be by them transported on said road; and the said corporation shall be liable for the acts of their officers, agents and other persons in their employ, and engaged in the transportation of persons and property on said road, in like manner as all common carriages [carriers] are in law.

Sec. 13. The said corporation is hereby authorized to transport persons and property on said railroad, and shall have powers to erect and maintain toll houses, warehouses, engine and carriage houses, work shops, reservoirs, and all other necessary buildings for the accommodation of their concerns, and from time to time to fix, regulate, demand and receive the tolls and charges to be by them received for the transportation of persons and property, and for the storage of merchandize and other property placed under their charge. *Provided*, That the net toll and charges, after deducting the amount of all costs and charges, and expenses in maintaining said road and appendages, and reasonable allowance for the wear and tear of the same, and of the carriages and cars used on the same, and the wear and tear of buildings and bridges, their insurance against accident by fire, and also incidental charges of transportation and officers and servants

of the company, shall not exceed twenty *per centum per annum* on the capital stock invested by the said corporation for ten years taken together.

Sec. 14. Seven directors of said corporation shall form a board; and they, or a majority of them, shall be competent to transact all the business of the corporation; and it shall be lawful for the said directors to require payments of the sum subscribed to the capital stock at such time, and in such proportions, and on such conditions as they shall deem fit and right; and shall give notice for the payments thus required, and of the time and place thereof, at least twenty days previous to the day of payment, in some newspaper printed weekly in this State, on or nearest to the route of said road; and they are authorized to receive new subscriptions to any of the capital stock not previously taken and subscribed, under such regulations as they shall provide for by their by-laws, and to give notice thereof at least thirty days previous to the opening of the books to receive such subscriptions; and in case any stockholder shall refuse to pay stock due from him, her or them, or any instalment thereof, as required in this section, the payment thereof may be enforced by an action at law or suit in chancery, as the case may require, to be brought in any court of competent jurisdiction, in the name of the corporation aforesaid as plaintiff, and against the stockholder or stockholders thus failing or refusing to pay; and property, real or personal, levied upon for the satisfaction of any judgment or decree in that behalf, shall be sold without relief from appraisement or valuation laws.

Sec. 15. Whenever it shall be necessary, in the construction of said railroad, to intersect or cross any stream of water or water course, or any road or highway, or canal, between the places mentioned in the second section of this act for the commencement and termination of said road, it shall be lawful for the said corporation to construct said railroad across the same; but the said corporation act shall not be so construed, that the same shall impair the usefulness of said water course, canal or highway, nor shall said company be permitted to erect or maintain in or over any such water course or water courses, any impediments or obstructions whereby the free passage of all or any of the citizens of the United States shall be in any way hindered or delayed in navigating and passing upwards and downwards upon said water course or water courses, with any and all vessels and water crafts which may now or hereafter be in use in navigating the waters of the river Ohio, or any of its tributaries.

Sec. 16. The said corporation may, at their option, construct their bridges, viaducts and crossways of sufficient width to admit of the passage of the common road travel, and may demand and receive such reasonable toll for the passage of persons, wagons, vehicles and live stock over the [said] bridges, viaducts and causeways, as may be fixed by the said company, and printed and posted up at some conspicuous place on or near the said bridges, structures or causeways,

and also construct such lateral branches to the said railroad for the accommodation of points not accessible to the main line, as they may think proper; which said lateral branches shall be made under the same restrictions as the main line. *Provided*, That the main line shall be constructed before any lateral branch thereof; and that no lateral branch shall at any time be constructed of a greater length than fifteen miles.

Sec. 17. The whole of the stock of the corporation shall be taken and deemed as personal property, which, together with all tools, implements, machinery and apparatus of every description used and employed, or on hand, belonging to said company, shall be liable to be seized, executed after judgment or decree, to make good any contract, arrangements or stipulations made by any agent, superintendent or other authorized person or persons of said company.

Sec. 18. It shall be lawful for the president and directors of the company to borrow money from time to time in the State or elsewhere, upon the bond, bill, note, mortgage or other obligation of the corporation, for the sole purpose of constructing the said railroad, hereby authorized to be constructed, and upon such rate of interest as the parties may agree upon; and may issue and sell the bonds of said company in this state or elsewhere, for such price as may be agreed on by the parties; and if the same are sold below par value of said bonds, such sale shall be valid and effectual to all intents and purposes whatever, and may mortgage and pledge the property of said corporation, real, personal and mixed, for the payment thereof, with interest thereon that may accrue, and may authorize the said bonds to be converted into stock of the company at the pleasure of the holder thereof. *Provided*, That no bonds shall be issued of a less denomination than one hundred dollars.

Sec. 19. It shall be lawful for the boards of county commissioners, or boards doing county business and having control of the finances and property of any county through which said railroad may pass, to subscribe for and pay to the directors or other proper officer of said company for and on behalf said counties respectively, as many shares of stock and such amount of stock as such board of commissioners or boards doing county business may think proper, which subscription shall be made as follows: The said boards of commissioners or boards doing county business, shall enter upon the proper record or minute book of their proceedings an order or resolution substantially as follows: "It is ordered," or "Resolved, that shares," (stating the number,) "of stock in the Wabash Railroad Company, be, and the same are hereby subscribed for and taken in the name of, and [in] behalf of" (inserting the name of the county.) And thereupon it shall be the duty of the auditor of any such county, or the officer who may be the clerk of the board doing county business, in the name of the county, upon the proper subscription book of said company, to subscribe for the number of shares named in such order or resolution, and at the same time he shall deliver to the person or per-

sons having charge of such subscription books a certified copy of said order or resolution; and after such order and subscription shall be made, it shall be the duty of such board of commissioners, or board doing county business, to provide from time to time for the payment of said stock, and cause the same to be paid to the treasurer of the company upon the drafts of the county auditor, at the times and in the proportion that the stock taken by individuals may be payable.

Sec. 20. The board of commissioners, or the board doing county business of any county, in behalf of which stock shall be taken and subscribed as aforesaid, may provide for the payments thereof, or any part thereof, either by a tax *ad valorem*, to be assessed, levied and collected in the same manner that other taxes are levied and collected for county purposes, and at the same time; and the payment of such tax shall be enforced in the same manner and subject to the same laws that other taxes are for county purposes, or upon borrowing money upon bond or otherwise, on the faith and credit of the county, or by issuing such bonds and delivering the same to the directors of the said company instead of money, provided said directors are willing to receive the same; and *Provided further*, That no bonds to be issued as aforesaid shall be sold, or in any way disposed of, so as to make the county liable for the payment thereof, for any less sum than [that] expressed in and promised by said bond to be paid, exclusive of interest; nor shall any money be in anywise borrowed, either directly or indirectly, in the name of, behalf, or upon the faith and credit of any such county, at any rate of interest greater than six *per cent. per annum*.

Sec. 21. At the same time that any bonds may be issued or money borrowed in the name or upon the faith and credit of any county as aforesaid, and from time to time thereafter, (as often,) and at such times as the terms of said bonds or other contracts for the loan of money may require, it shall be the duty of the boards aforesaid to provide for the payment of the interest on such bonds and money borrowed, and cause the same to be due in the same manner that other debts and expenses of the county are or may be at the same time provided for and paid; and there shall be created in such counties a sinking fund for the payment of such bonds and money borrowed as aforesaid; and the said sinking fund shall be created by annually setting apart the dividends or profits upon the stock subscribed, which may be realized, and a portion of the *ad valorem* tax annually collected in such county; and the sums thus set apart shall be such that all of them thus added together, and the interest thereon, will amount to a sum at least sufficient to pay, when due, the principal expressed in said bonds for such borrowed money.

Sec. 22. The money annually set apart for a sinking fund as aforesaid, shall be placed in the hands of the county treasurer of the proper county, and by him received and kept, and disbursed; and the same shall constitute a permanent fund, which shall not be appropriated to any other purpose than the payment of said bonds, and borrowed money, and the same shall be kept constantly loaned by the same officer, in the same manner, upon the same terms and security, and for the same rate of interest as the surplus revenue is authorized and required to be loaned in such county, until the same shall be required for the payment of such bonds and borrowed money.

Sec. 23. The board of commissioners, or board doing county business aforesaid, shall not subscribe for stock or cause the same to be done, unless a majority of the qualified voters at a general election to be held for that purpose, shall vote in favor thereof. An election shall be held for the purpose aforesaid, and polls be opened at the usual places of holding elections in such county, on such general election days as the board aforesaid may direct and appoint; and such election shall be conducted by the officers, and be in all respects governed by the laws regulating the election of county officers; and on the second day after such election, the several inspectors thereof shall meet at the court house of the county and compare the votes cast, and certify under their hands the result of such election, and forthwith deliver such certificate to the county auditor, who shall lay the same before the board aforesaid at their next regular meeting; and said board shall cause the same to be recorded among the minutes of their proceedings.

Sec. 24. If, at an election held as aforesaid, a majority of the votes given should be against taking stock in said railroad company, other elections for the same purpose may be held, at such times as shall be fixed and ordered by the proper board of commissioners, or board doing county business; and every such election shall be conducted, and every duty therewith connected, shall be discharged as in this act is provided.

Sec. 25. The taxes to be levied and collected in pursuance of this act, shall be in addition to the taxes now authorized to be levied and collected for county purposes; and taxes assessed under the provisions of this act, by order of the board of commissioners, shall be levied and collected with and as a part of the annual *ad valorem* tax levied and collected for county purposes, and subject to the same rules and regulations.

Sec. 26. And whereas, by [the] 35th section of the act to incorporate the Evansville and Illinois Railroad Company, approved January 2, 1849, it is provided as follows: "That full right and privilege is hereby reserved to the citizens of this State and the State of Illinois, or any company hereafter to be incorporated under the authority of either of said States, to connect with the said railroad hereby provided for, at such convenient point as may be selected by said company last mentioned, provided said connection shall be formed with said railroad on terms usual in such cases; and that in forming such connection no injury shall be done to the works of the company hereby incorporated." *Therefore, be it enacted*, That it shall be law-

ful for the company hereby incorporated to construct and connect their railroad herein contemplated to be made with the said railroad of the said Evansville and Illinois Railroad Company at such points in this State, north on the said last mentioned road, as shall have been constructed at the time of the desired connection, and upon such terms and conditions as are in said 35th section of the said Evansville and Illinois Railroad charter provided.

Sec. 27. *And it is further enacted*, That it shall be lawful for the company hereby incorporated, and the said Evansville and Illinois Railroad Company, or the Evansville and Vincennes Railroad Company, to consolidate their said charters, and may become one company under the several acts of the incorporation of said companies; and such company, may, and shall in such case, have all the rights, privileges and extensions granted in the corporation charters of the incorporation of said companies, or the amendments thereto; and it shall and may be lawful for said company, when so consolidated, to assume such name as the directors thereof may direct; and shall thereafter by such name be known. *Provided*, That in case of such consolidation, there shall never be more than thirteen directors of said company.

Sec. 28. And further, it shall be the duty of the board doing county business, or the board of commissioners in the several counties through which said railroad may run, at the proper costs and charges of the president and directors of said railroad company, to cause thirty days' notice of the election to be held on the day they may designate, to be given by publication in all the newspapers published in the county in which said election is to be held, and by posting up at least three printed notices thereof in each of the townships in said county; and the vote taken at said election shall be for or against a subscription of stock in said company.

Sec. 29. That if any person or persons shall wilfully, by any means whatever, injure, impair or destroy any part of the railroad constructed by said company under this act, or any other works, buildings, materials or machinery of said company, or place any obstruction upon said railroad, by means of which the locomotives, cars or other property of said company, or any individual property may be injured or destroyed, in addition to the ordinary civil remedies provided by law for the recovery of damages, the individual or individuals thus offending shall be subject to an indictment therefor in the proper circuit court, and if convicted, shall be fined in any sum not exceeding double the value of the property destroyed, or injury done, and imprisoned in the jail of the proper county for any period of time not exceeding six months; or if, in the opinion of the court or jury trying the cause, fine and imprisonment in the county jail as above provided are not sufficient, the defendant may be imprisoned at hard labor in the State's prison for any term of time not exceeding fourteen years.

Sec. 30. The said corporation shall, in no case, directly or indirectly, engage in any kind of trade or deal in merchandize, other than such as may be necessary and proper to carry into effect the objects contemplated by this act; nor shall said corporation, under any pretext whatever, enter into a banking business for the purpose of receiving deposites, making discounts or issuing bills of credit, or bills or receipts of any kind or description, to pass as a circulating medium.

Sec. 31. No higher rate of an *ad valorem* tax, or other tax, shall be imposed upon stock or property of said company than is imposed upon stock or other property in the State in ratable proportion to its value or income; and that only upon or in proportion to the actual cost of the construction of said road within the State of Indiana.

Sec. 32. If this road shall not be commenced within five years from the passage of this act, and completed in fifteen years thereafter to Terre Haute, this act shall be void, unless further time shall be given by the legislature to complete the same.

Sec. 33. This act shall be taken and be deemed to be a public act, and as such shall be taken notice of by all courts of justice in this State, without the necessity of pleading the same, and shall be in full force from and after its passage.

Sec. 34. That should the Congress of the United States make a donation of lands to aid in the construction of said railroad, which should be accepted by said corporation, then and in that case, the United States, in time of war, shall have the right to transport troops, munitions of war and provisions for the army free of toll or other charge, on said road.

Sec. 35. Should the capital stock hereby created not be sufficient to complete the contemplated work, the corporation may, from time to time increase the same, and when necessary, re-open their books for the subscription of stock; and all stock thus subscribed shall be paid in under the same rules and regulations that are provided for the payment of the original stock.

Sec. 36. The president and directors of said company shall be liable in their individual capacity for all debts contracted by them in the name and behalf of said company, beyond the amount of solvent stock subscribed; and the legislature reserves the right to alter, amend or repeal this charter, if the president and directors shall violate any of the privileges conferred upon them by this act of incorporation.

CHAPTER LXIII.

An Act to incorporate the Covington and Danville Plank Road Company.

[APPROVED FEBRUARY 7, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That John McManamee, John Billsland, Joseph L. Sloan, Samuel J. Weldon and Edward A. Hannegan, and such other persons as may now be or hereafter may become associated with them and their successors, are hereby constituted a body corporate and politic, to have perpetual succession and existence, and to be known as "the Covington and Danville Plank Road Company."

SEC. 2. The capital stock of said company shall be eight thousand dollars, divided into shares of fifty dollars each; but the amount of said stock may be increased by the company to any sum not exceeding sixteen thousand dollars.

SEC. 3. The persons named in the first section of this act, with such others as may be associated with them, or a majority of them, shall meet on the 4th Monday of March, 1851, or at the earliest practicable day thereafter, in the clerk's office of the county of Fountain, and forthwith proceed to organize said company by the election of five directors from amongst their number; whereupon said directors shall select among themselves a president, secretary and treasurer. The said directors and the officers so chosen by them, to hold their offices until the first annual meeting of said company, which shall be on the first Monday of June, 1851, and annually on the same day thereafter, when the directors for each ensuing year shall be chosen. *Provided*, That in all cases the directors and officers as above appointed by them, shall continue in office until their successors shall be duly elected.

SEC. 4. The directors shall have power to appoint a superintendent of said road, and to fix his compensation and all others employed under him; but no member of the board of directors shall be eligible to the office of superintendent. Such superintendent may at any time be removed or suspended, at the discretion of the directors.

SEC. 5. Certificates of stock shall be given to the stockholders in any number of shares they may desire, whenever the amount subscribed by such stockholders shall be fully paid. The certificates shall be signed by the president and countersigned by the secretary. The stock shall be transferable on the books of the corporation in such manner as such company may in their by-laws prescribe; but the company shall at all times hold a lien on all stock for any dues to the company from the holders thereof, or debts to become due to said company on contracts made prior to the transfer.

SEC. 6. Said directors shall keep a book containing a journal of the proceedings of the corporation, which being signed by the president and attested by the secretary, shall be *prima facie* evidence in all courts of justice, and in all other places, of the facts therein stated.

SEC. 7. It shall be lawful for the directors to require payment of all stock subscribed in such instalments and at such times, giving at least thirty days' previous notice, as they shall deem proper; and a penalty of two per cent. per month shall accrue against any stockholder for delay or default in making payment of the required instalment.

SEC. 8. Said company shall have the power, and are hereby authorized to survey and locate their road from the court house square in the town of Covington, in the county of Fountain, across the Wabash river, and across the counties of Warren and Vermillion, to the State line of Illinois, in the direction of the town of Danville, Illinois; and if said company so elect they may locate said road along the ground of the present State road between the above mentioned points, or along any part thereof, or upon any county road or part thereof leading in the direction aforesaid; the consent of said counties of Fountain, Warren and Vermillion having already been given to said company for the necessary right of way by their respective boards doing county business. Said company may take releases of damages and conveyances of the necessary lands of any and all persons over whose lands the road may be located, and all such releases or conveyances, when executed by the party in interest, whether infant, *feme covert*, guardian, executor or administrator, shall be good and valid in law, as a title in fee simple to said company for said lands so released or conveyed, or where the same is merely a release of damages, it shall forever operate as a bar in favor of said company and their successors.

SEC. 9. For the purpose of locating and constructing said road, it shall be lawful for said company, by their agents, to enter upon and make surveys and estimates of any lands, and to take from the land occupied by said road, any stone, timber or other material necessary to construct said road and the bridges thereon.

SEC. 10. If any person or persons owning land upon and over which said road may be located, shall refuse to relinquish the same for the use of said road, and no contract can be made by said company with such owner therefor, it shall be lawful for said company to give notice to some justice of the peace for the county; and thereupon such justice shall summon the owner of such land, if a resident of the county, to appear before him on a day to be named in such summons, within ten days after the service, and if the parties cannot then agree, such justice shall issue a venire calling before him three disinterested men of the county, to be named by said justice, and such jury, being duly sworn faithfully and impartially to assess the damages, if any, shall, after viewing the land, assess the damages, if any, after duly considering the advantages and disadvantages of such

road to the owner, and shall make report thereof to the justice, upon which he shall enter judgment, and from which either party may appeal to the Circuit Court.

Sec. 11. In case said company shall require for the construction of said road any stone, timber or other material from the land of any person adjoining or near to said road, and said company cannot contract with the owner for the same, such company may proceed in like manner to have the value of such materials assessed; and in every such case of lands and materials, said company may take possession and use the same immediately after having paid to said justice the sum, if any, which may have been assessed therefor, notwithstanding any appeal which may be pending. *Provided*, That said justice, in assessing such damages, shall not take into consideration the advantages of the road to the owner of such materials.

Sec. 12. If the owner is a minor, lunatic, *feme covert*, or shall reside out of the county where such lands may be, such justice shall, in any case contemplated by the 9th and 10th sections of this act, cause notices to be put up in three public places in the township, and also publish the same in a newspaper published in the county, or some paper having general circulation in the county where such lands are situate, of the time and place of summoning such jury to make the appraisement; and if no person appear for such owner, said justice may appoint some one to act for such absentee. And in all cases costs shall be awarded in the discretion of the jury.

Sec. 13. Any person through or upon whose lands the road may be located, shall, within six months after the completion of the road across such land, commence proceedings at law or in equity for any right of action accruing to such person or persons from the construction of said road, and failing so to commence they shall be forever thereafter debarred all right of action either for the value of the land so taken or damages that may in any way accrue.

Sec. 14. No injunction shall be granted against said company, their agents, or persons in their employ, restraining and enjoining them from prosecuting the work on said road, or any part thereof, unless ten days' previous notice has been given to the president of said company of the application for such injunction, specifying before whom and when it will be made and where; and with such notice a copy of the bill or petition upon which such motion is founded, shall be accompanied. Any injunction granted contrary to the provisions of this section shall be void, and no proceeding for contempt for disobedience thereof shall be allowed.

Sec. 15. The acts and doings of the present company under and by virtue of their articles of association, under the general acts of former legislatures concerning plank roads, are in all respects hereby declared legal.

Sec. 16. Said company shall cause said road to be opened, and shall construct the same of plank, gravel, or other hard material, so

that the same shall form a hard and even surface, and that portion built of plank shall consist of a single track plankway, with proper conveniences to enable teams to pass each other.

Sec. 17. Said road shall be completed on or before the first day of December, 1852.

Sec. 18. Should said road or any part thereof be out of repair for a period of twelve months, unless when the same is repairing, said company may be proceeded against by indictment in the proper county, and fined in any sum not less than one hundred dollars. And if said road shall be suffered to be out of repair for an unreasonable time, to the hindrance of passengers, said company shall have no right to collect tolls until the same is repaired.

Sec. 19. Said company may erect a gate upon the completion of the first two miles west of Covington and proceed to the collection of tolls thereon until thereafter five miles of said road shall be completed. The tolls on said road payable at the gates shall not exceed the following rates per mile, viz: Every four-wheel carriage, wagon, sled, sleigh, or other vehicle, drawn by one horse or other animal, one cent and a half; every horse or other animal in addition, one-half cent; every cart or two wheel vehicle, drawn by one horse or other animal, one cent and a quarter; every horse or other animal in addition thereto, one-half cent; and for all pleasure or traveling carriages or sleighs, one half cent for each person or passenger carried, exclusive of the driver; in addition to the above rates, for every horse, mule, or ass, led or driven, at the rate of two cents for five miles; for every horse and rider, one cent; for every head of neat cattle over six months old, the rate of one cent and a half for five miles; and for each hog, sheep, or other animal not enumerated, one cent for five miles. Said company may, at their discretion, reduce the rate of toll at any time; but the same shall never be increased beyond that now fixed, unless by consent of future Legislatures. Said company may hereafter increase their capital stock, not exceeding ten thousand dollars, for the completion of a double track road over all or some portion not less than two miles of the present route, and whenever such double track shall be completed it shall be lawful for said company to charge one-fifth in addition to the present rate of toll. *Provided, however*, That said company shall proceed without unnecessary delay to the construction of the residue of the first five miles of said road.

Sec. 20. Said company shall enact and publish any ordinances and by-laws they may deem proper, not inconsistent with the constitution and laws of the state or of this charter, for the regulation of travel and travelers, and the rules to be observed in meeting or passing on said road, and all other matters for the welfare of the company, and any person wilfully violating any ordinance or by-law of said company shall forfeit and pay to them the sum of five dollars, to be sued for and collected by said company in an action of debt, before any justice of the peace of any county where the offending par-

ty may be found. In all suits to which the company is a party, they shall sue and be sued in the name of "The Covington and Danville Plank Road Company."

Sec. 21. At or near each gate the company shall erect a board with the rates of toll and the penalties painted or printed theron.

Sec. 22. The directors shall declare dividends on the first Mondays of January and July, and oftener if they deem it advisable, and shall, whenever it is necessary, reserve a fund for the repair of the road.

Sec. 23. If any toll-gatherer on said road shall unreasonably detain any person or passengers after the toll has been paid or tendered, or shall demand and receive greater toll than is by this act allowed, he shall for every such offence forfeit and pay a sum not exceeding ten dollars, to be sued for and recovered by the party aggrieved, before any justice of the peace having jurisdiction, within twenty days after the occurrence.

Sec. 24. If any person or persons using any part of said road shall, with intent to defraud said company, pass through any private gate or bars, or along any other ground near said road to avoid any toll-gate, or shall make any untrue statement as to the distance he or they may have traveled or intend to travel on the road, or shall practice any other fraudulent means and thereby lessen or avoid the payment of toll, each and every person concerned in such fraudulent practice, shall, for every such offence, forfeit and pay to said company the sum of three dollars, which may be recovered in the name of said company in an action of debt before any justice of the peace of the county where the offending party may be found. *Provided*, Nothing herein shall prevent persons residing on or near the line of said road from passing thereon between the gates about their own premises on their ordinary business.

Sec. 25. If any agent, treasurer, toll-gatherer, or other person to whose possession or custody any of the moneys or property of the said corporation shall come or be, shall convert any of the said moneys or property to his own use, or make way with the same in any way, or if any officer of said corporation shall do any act to defraud said company, he shall be deemed guilty of embezzlement, and upon indictment found shall be punished in the same manner and to the same extent as if he had committed a larceny to the amount so embezzled. The neglect or refusal of any such person to pay over on demand to said company or their agent any money in his hands belonging to said company shall be deemed *prima facie* evidence that he has embezzled the same.

Sec. 26. Upon any and all judgments and decrees rendered, either in favor of said company against any person or persons, or in favor of any person or persons against said company, property may be taken and sold so soon as execution issues, without any valuation, or appraisement, and for the highest and best price it may bring.

Sec. 27. The said company are hereby authorized to borrow money, should it become necessary for the completion of said road, and to pay as high as ten per centum interest therefor.

Sec. 28. The said company in constructing their said road, may diverge from the route west of the Wabash river, indicated in the articles of association of the Covington and Danville Plank Road Company, so as to strike the state line at any point they may deem desirable, and for that purpose may extend the length of their said road with a corresponding increase of their capital stock, if it should become necessary.

Sec. 29. So soon as two miles of the said road shall have been completed, the state road from Covington to the state line, in the direction of Danville, Illinois, to the extent of the completed portion of the said plank road, shall be, and the same is hereby vacated; and thereafter as other and further portions of said plank road shall be completed, the corresponding parts of said state road, shall become and be vacated.

Sec. 30. The president and directors of the said company shall be individually liable for all debts, by them contracted, exceeding the amount of solvent stock subscribed at the time.

Sec. 31. This act shall be deemed and taken to be a public act, and shall take effect and be in force from and after its passage.

CHAPTER LXIV.

An act to incorporate the Columbia, Oswego and Leesburgh Plank Road company.

[APPROVED FEBRUARY 6, 1851.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Rowland Willard, James H. Jacoby, David Rippy, Elijah Horton, and Chauncey W. Bivins, of the county of Kosciusko, and John McGighan and William Jamieson, of the county of Whitley and their successors in office, duly elected as hereinafter directed, are hereby constituted and appointed a body politic and corporate, and by the name and style of the "Columbia, Oswego and Leesburgh Plank Road company," shall be able and capable in law and equity to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto, in any and all courts of

justice whatever, to make and use a common seal, and the same to alter, change or renew at pleasure, and shall be able and capable in law to make contracts and enforce the same, and to make and enforce the necessary by-laws, rules and regulations, to enable them to carry into effect the provisions of this act and the objects contemplated by the same, not inconsistent with the laws and constitution of this state.

Sec. 2. The capital stock of said company shall be thirty thousand dollars, divided into shares of twenty dollars each, with power to increase the capital stock if necessary to accomplish the objects hereinafter contemplated.

Sec. 3. The directors in this act named, or a majority of them, shall meet at such time and place as they may agree on and organize said corporation by electing one of their body president, and after such organization a majority of said board shall be a quorum to do business.

Sec. 4. The corporation shall have power to appoint agents, clerks, treasurers, surveyors, engineers, superintendents and all other persons and officers necessary to carry into effect the provisions of this act. They shall keep a journal of their proceedings in which shall be entered all laws (by-laws) and regulations and orders for the payment of such allowances as may be made to their officers and all others in their employment, which journal and proceedings shall, from time to time, be signed by their president. When the president is absent they may appoint a president *pro tem.*, and shall fill all vacancies that may occur in their body.

Sec. 5. The corporation shall cause books to be opened for subscription to the capital stock at such time and at such places as they may choose, due notice of which shall be given, in each of which books the following entry shall be made: "We, the undersigned, promise to pay the sum of twenty dollars for each share of stock set opposite our names, in labor, materials, land, money or other property, in such manner and at such times and proportions as the president and directors of the Columbia, Oswego and Leesburgh Plank Road company may direct;—the value of subscriptions other than cash to be settled by the board of directors and to be appraised at what the board shall consider their actual cash value at the time of payment. Witness our hands and seals, this——day of ——A. D. 185—.

Sec. 6. The books for subscription of stock shall be kept open in such place or places within the state of Indiana, or in any other state, and for such periods of time as the corporation may direct, and for the purposes of raising money to complete the road contemplated by this charter or any part thereof, the said corporation shall have power to borrow money either by mortgage of the road or in any other manner that may be agreed upon between the corporation and [the] party or parties of whom the loan may be obtained.

Sec. 7. As soon as seventy-five shares are subscribed it shall be the duty of the corporation to give three weeks' notice in the nearest newspapers printed in the vicinity of said contemplated road, and in such notice to appoint a time and place for the stockholders to meet and elect seven directors, who shall be stockholders and citizens of the state of Indiana, which election shall be held within three months after the last share in the seventy-five shall be subscribed for, and shall be conducted by three judges appointed by the stockholders present, and the person having a plurality of votes given and counted in public shall be declared duly elected. No share shall give to the owner a right to vote at any election after the the first election, unless the same shall be held one month previous to the election. In all elections one share shall entitle the holder to one vote only, and votes shall be given by persons holding the same, or by one of any partners, or by the husband, father, mother, executor or administrator, trustee or guardian, or by the authorized agent of any corporation, state, United States, county, city, village or town, or any person having a right to vote, may vote by proxy.

Sec. 8. It shall be the duty of the directors elected as above, and those elected by all subsequent elections, to meet as soon thereafter as they conveniently can, and elect one of their body president, and directors thus elected shall continue in office until the next annual election, and until their successors are elected and organized.

Sec. 9. All elections after the first shall be held on the first Tuesday in October, annually, at such hour and place as the directors may direct, three weeks' notice of which shall be given by publication in a newspaper printed and published in the counties through which the road passes, contemplated in this act. The judges in all elections shall be three in number. They shall after the first election be appointed by the board of directors, and shall be stockholders, but not directors, at the time of election. And it shall be the duty of said judges, after the result of said election shall be known, to furnish the directors elect with a certificate of their election, which certificate shall be evidence of their right, as such directors. The number of directors shall be seven, a majority of whom shall be a quorum to transact business. *Provided*, That, if from any cause whatever, there shall be no election held on the day appointed, it shall be lawful to hold the election on any other day, to be designated by the directors.

Sec. 10. Certificates of stock shall be given to the stockholders, which shall be evidence of the stock held. They shall be signed by the president, and countersigned by the clerk; stock shall be transferable on the books of the corporation personally, or by an agent or attorney, or by the administrator, executor, trustee or guardians, but the corporation shall have a lien upon such stock for all sums due or to become due from the stockholders to the corporation,

either for subscriptions of stock or any contract made prior to such transfer.

SEC. 11. The corporation shall have power to call such part of the stock subscribed as may seem to them necessary to carry on the work, to be paid by the stockholders in such materials, labor, land or money, or other property as shall have been designated by the party subscribing for such stock, to be paid at such time and place, as the board of directors may designate by forty days' notice in one of the nearest newspapers to said *route*, or by giving written notices to the stockholders; in all such notices the amount demanded on each share, and the time and place of payment, shall be set forth; and it shall be the duty of the board of directors to give each person subscribing for stock in materials or labor, [notice] to furnish the same upon the road, and if any stockholder shall neglect or refuse to pay or furnish such requisition within ten days after the time mentioned in such notice for such payment, the corporation shall have power to collect the same by an action at law, in any court of competent jurisdiction, the same to be collected without the benefit of appraisement laws. The corporation shall have the power, through their president, and in his name, but for their use, to purchase the stock of any stockholder, when offered in execution on a judgment obtained against him in favor of the corporation, and to sell the same in their discretion, for the benefit of the corporation.

SEC. 12. The corporation shall require all officers in their employment to give bond with security of their acceptance, with such penalty as they think proper, for the faithful performance of their respective duties.

SEC. 13. The corporation, by their agent, shall have power from time to time, to mark and locate the *route* of said plank road from Columbia in the county of Whitley, said road to be located on the State road leading from said town of Columbia, to Oswego and Leesburgh, in the county of Kosciusko, with power to diverge from a direct line, for the interest of the company and public convenience.

SEC. 14. For the purpose of locating and constructing said road, it shall be lawful for such company, by their agents or persons in their employ, to enter upon any lands to make surveys and estimates and to take from the land occupied by said road, any stone, gravel, timber, or other materials necessary to construct said road and the bridges thereof.

SEC. 15. If any person owning lands over and upon which such road shall be located, shall refuse to relinquish the same for the use of said road, and no satisfactory contract can be made by such company with such owners thereof it shall be lawful for such company to give notice to some justice of the peace of the proper county, and such justice shall thereupon summon the owner of such land, if a resident of the county, to appear before him on a day to be named therein, and within ten days thereafter, and if the parties cannot

then agree, said justice shall issue a venire for summoning before him a jury of three disinterested persons of the county, to be selected by said justice, and said jury, after having taken an oath or affirmation, faithfully and impartially to assess the damages, if any, shall view the lands upon which such damages are claimed, and shall determine the same, duly considering the advantages of said road to said owner, and shall make report thereof to said justice; whereupon he shall enter judgment upon such report, from which judgment either party may appeal to the circuit court.

SEC. 16. If the owner be a minor, insane person, or shall reside out of the county where such land may be, such justice shall cause three notices to be put up within the township where such lands are situated, of the time and place of summoning such jury, to make such appraisement, and if no such person appears for such minor, insane person or non-resident of the county, such justice shall appoint some disinterested person to act on behalf of such absentees, and shall then proceed as in other cases, and in all cases costs shall be awarded in the discretion of the jury.

SEC. 17. In case the company shall require, for the use of said road, any stone, gravel, or other material from the land of any other person adjoining on, or near said road, and such company cannot contract for the same with the owner thereof, such company may proceed in like manner to have the value of such materials assessed, as above provided for, assessing the value of lands, in every such case of land and materials such company may take possession of, and use the same immediately, after having paid such justice for the use of the owner of such land or materials, the sum, if any, which may have been assessed therefor. *Provided*, That such jury in assessing such damages, shall not take into consideration the advantages of the road to the owners of such materials.

SEC. 18. If it shall be found convenient or advantageous to the construction and location of said road, the corporation shall have the power and the right to lay the same along or upon any State or county road. *Provided*, That all State and county roads crossing said plank road, shall be left open and free.

SEC. 19. That if said road, after its completion, or any section thereof, shall be suffered to go to decay or be impassable one year, unless the same is repaired, the charter shall be considered as forfeited.

SEC. 20. The corporation shall commence the construction of the same, within three years, and complete so much thereof as shall be for the general interest of all concerned, and the means of the company will allow; and whenever five continuous miles of said road shall be completed, agreeable to the provisions of this act, the directors of such company may erect toll gates at such points and at such distances from each other as they may deem proper, and exact toll from persons traveling on the road not exceeding the follow-

ing rates: For every sled, sleigh, carriage, or vehicle drawn by one animal, one and one-half cents per mile; and for every animal in addition thereto, one-half cent per mile. For every horse and rider or led horse, one cent per mile; for every score of sheep or swine, two cents per mile, and for every score of cattle, mules or asses, five cents per mile. Persons going to and from funerals shall be exempt from toll. A list of rates established from time to time shall be posted up at some conspicuous place at each gate.

SEC. 21. If any person or persons using said road, shall, with intent to defraud said company, or to avoid the payment of toll, pass through any private way, gate or bars, or along any grounds near the said plank road gate, which shall be closed pursuant to this act, or shall practice any fraudulent means with intent to evade or lessen the payment of such toll, or if any person shall take another person off said road, with intent to defraud such corporation, each and every person concerned in such fraudulent practice, shall, for every such offence, forfeit and pay to the corporation the sum of five dollars, without any benefit of appraisement laws, to be recovered with costs of suit, in an action of debt, at a suit of the corporation, before any justice of the peace in the county. *Provided*, That nothing in this act shall be so construed as to prevent persons residing along said road, from passing about their premises, between the gates on said road, upon ordinary business.

SEC. 22. The company shall set up a post or stone at the end of every mile, with the number of miles from the place where the road may commence, fairly cut or painted thereon.

SEC. 23. Any person wilfully or negligently destroying, defacing, or removing any [gate,] guide-board, mile-post, or stone, or list of rates of toll erected on said road, or remove any plank, board, or other material which have been used in [the] construction of said road, shall, on conviction thereof before any justice of the peace or court having competent jurisdiction, forfeit and pay a sum not exceeding twenty dollars, to be recovered with costs of suit in an action on the case, at the suit of, and for the use of the corporation.

SEC. 24. If any toll gatherer on said road shall unreasonably detain any passenger after the toll has been paid or tendered, or shall demand or receive greater toll than by this act allowed, he shall, for every such offence, forfeit and pay a sum not exceeding ten dollars, to be recovered before any justice of the peace having competent jurisdiction, within twenty days after the occurrence.

SEC. 25. The corporation shall cause to be kept a fair account of the whole expenses of making and repairing said road, or any section thereof, with incidental expenses; also a fair account of the tolls received, and the books of the corporation shall always be kept open for the inspection of an authorized agent of the State, or of stockholders of such company, and the company shall have the right to sell the stock to the State upon such terms as they may agree.

SEC. 26. This charter shall be limited to fifty years duration and to be in force from and after its passage, and to be liberally construed as a public act for all beneficial purposes.

SEC. 27. Every person residing on premises through which said road passes, shall have the privilege at all times of passing and going along and over said road for the distance of one and a half miles each way from his place of residence, without paying any toll or charge for himself or any of his cattle, teams, or property.

SEC. 28. The directors that may contract any debt over and above the amount of stock secured, shall be liable in their individual capacity for the payment of dues to laborers for work done on said road which shall not have been paid when due by the company.

SEC. 29. The Legislature reserves the right to repeal this charter; but if repealed, the assets, after the payment of liabilities, shall be divided among the several stockholders in proportion to the amount of stock paid in by each.

SEC. 30. The stock of the company shall be considered personal property, and may be sold on execution, and transferred upon the books of the corporation, by the officer selling the same, but shall in all cases be subjected to the lien named in section ten.

SEC. 31. This act shall be in force from and after its passage, and it is hereby made the duty of the Secretary of State to forward a certified copy of this act to the clerk of the Kosciusko county circuit court.

CHAPTER LXV.

An act to amend an act entitled "an act to incorporate the Bedford Insurance Company," approved February 8, 1836, and to change the name of said company.

[APPROVED FEBRUARY 8, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the survivors, or any three of them, of the persons named in the act to which this is an amendment, as commissioners to open books for the subscription of capital stock in such company, be, and they are hereby authorized at such time hereafter as may be convenient, to open books for such subscription, and they shall be governed, in all respects in the discharge of their duties, as provided and directed by said act.

SEC. 2. The capital stock of said company may be increased or reduced by said company, from time to time, as the directors thereof

may think fit: *Provided*, That the same shall never exceed two hundred thousand dollars, nor be less than ten thousand dollars.

SEC. 3. Said company shall have power to grant insurances upon human life, and also may insure any and all descriptions of live stock, upon such terms and conditions as may be agreed upon by the parties.

SEC. 4. *And be it further enacted*, That the name of the said Bedford Insurance Company be, and the same is hereby changed to that of "The White River Valley Insurance Company," and by such name it shall be hereafter known and designated, and have all the rights, privileges, powers and franchises, and immunities granted by this act and the act to which this is amendatory, and by such name, said company with all its powers, privileges, franchises and immunities, shall continue and have succession for the period of fifty years from and after the passage of this act.

SEC. 5. This act to be in force from and after its passage and be deemed a public act, and a part of said charter, and favorably and liberally construed for all beneficial purposes.

CHAPTER LXVI.

An act to amend the charter of the Madison Insurance Company.

[APPROVED FEBRUARY 11, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the capital stock of the Madison Insurance Company be, and the same is hereby increased to the sum of two hundred thousand dollars; said increase to be divided into shares of fifty dollars each, and disposed of in such manner and on such terms as the board of directors of said company may direct.

SEC. 2. This act shall be a part of the charter of said company when adopted by the board of directors of said company. This act shall be in force from and after its passage.

CHAPTER LXVII.

An act to authorize a company to construct the Manchester, Pleasant Ridge and Elizabethtown Turnpike.

[APPROVED FEBRUARY 6, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Joseph Cooper, George M. Lozier, Elijah S. Blasdell, George W. Robinson, Harrison Dawson, Jeremiah Mowlin, John Blasdell, Elijah Blasdell, Thomas Langsdale, Walter Hays, Hiram Jackson, Enoch W. Jackson, and Reuben Jackson, and their associates and successors, be, and they are hereby constituted a body politic and corporate, under the name of the "Manchester, Pleasant Ridge and Elizabethtown Turnpike Company," and by that name may contract and be contracted with, sue and prosecute, and be sued and prosecuted to final final judgment and execution in all courts having competent jurisdiction, and do and perform all other things lawful for such company to do, and they are hereby invested with all the powers and privileges in any wise necessary and expedient to carry into effect the proper business of the association.

SEC. 2. The capital stock of said company shall consist of the sum of forty thousand dollars, which may be increased at any time to any sum not exceeding double that amount, and said stock shall be deemed as personal property.

SEC. 3. That all the rights, privileges, powers and authority granted to the Aurora and Laughery Turnpike Company, contained and embracad in sections Nos. 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22. and 23, of an act to authorize a company to construct the "Aurora and Laughery Turnpike," approved February 15th, 1848, be, and the same are hereby granted to the Manchester, Pleasant Ridge and Elizabethtown Turnpike Company, and said sections are hereby made a part of this act; and the directors of the said company shall be individually liable for all debts contracted beyond the amount of solvent stock subscribed at the time.

SEC. 4. The commissioners may order an election of directors, after one thousand dollars of stock is subscribed, if they consider it best for the interests of the company.

SEC. 5. Said directors shall have power to view, mark, locate and construct a turnpike road from Manchester, near Wright's corner, to the state line, on the best route towards Elizabethtown, in the state of Ohio, making Joseph Cooper's farm a point, and in constructing said turnpike may follow such plans and use such materials as they may deem most expedient, and if it shall be found

necessary and advantageous to the location and construction of said turnpike road, the company shall have the right to lay the same along and upon any state or county road.

SEC. 6. This act is hereby declared to be a public act and in force from and after its passage.

CHAPTER LXVIII.

An act to amend "an act to incorporate the Ohio River and Princeton Plank Road Company."

[APPROVED FEBRUARY 4, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the town of Cynthiana, in the county of Posey, and state of Indiana, is hereby made a point in the location and construction of said Ohio and Princeton Plank Road, if the directors of said company shall deem it expedient to make the same a point in locating and constructing said road, under the provisions and stipulations of the thirteenth section of the act chartering said company, as approved January 21, 1850.

SEC. 2. That the twenty-sixth section of the act above referred to, is hereby so amended as to authorize every person residing on premises through, or touching which, said road passes, to have the privilege at all times of passing or going along on said road for the distance of one-half mile each way from his place of residence, without paying any toll for himself, or any of his cattle, teams or property.

SEC. 3. That before the said Plank Road Company shall have the right to make the town of Cynthiana a point in the location of said road they shall obtain the consent of the board of county commissioners of Posey county.

SEC. 4. This act shall be in force from and after the passage of this act.

CHAPTER LXIX.

An Act to incorporate the Liberty and Miami Railroad Company.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That James Leviston, Alexander Campbell, William L. John, J. M. Conwell, George Heamridge, John McCray and Jonathan Ridenour, of the county of Union, their associates and successors in office be, and they are hereby declared and constituted a body corporate, and shall be and remain forever under the name of "the Liberty and Miami Railroad Company;" and by that name said company may contract and be contracted with, sue and be sued, and do all other things necessary and proper for similar companies so to do; said company being invested with full power to carry out all the express provisions of this charter, as well as those implied powers necessary to carry into effect the proper business of this association.

SEC. 2. The capital stock of said company shall be one hundred thousand dollars, with power to increase the same to one hundred and fifty thousand dollars, if necessary for the purpose of completing said road, with all its appendages, and conducting the business of said company as herein contemplated, which capital stock shall be divided into shares of fifty dollars each, payable in cash, real estate, materials or labor, as evidenced by the subscription books of the company, which stock may be subscribed for and taken by individuals or corporations.

SEC. 3. All elections for directors after the first election shall be held and conducted according to the charter governing the Junction Railroad Company; and as soon as fifty thousand dollars are subscribed for the stock of this company, an election for seven directors for said company shall be holden in the town of Liberty, under the order and direction of the board of commissioners of this company, which directors, when so elected and qualified, shall serve for one year, and until their successors are elected and qualified, with power to supply all vacancies occasioned by death, removal, resignation or otherwise; but no stockholder shall be a director unless he holds not less than five shares of the stock of said company.

SEC. 4. The said company, by their agents, shall have full power and authority from time to time to examine, survey, mark and locate a route for said road, commencing at or near the town of Liberty, in Union county, and running on the best and most suitable line thence to any point on the State line, or to any other point, so as to connect said road with the Junction Railroad to Cincinnati, at the choice of the company, through any improved or unimproved

land, so as to connect their road with the Four Mile Valley Railroad, or any other road running to Hamilton, Rossville or Cincinnati, through the State of Ohio.

SEC. 5. The board of commisioners of this company, or a majority thereof, as early as practicable, shall organize and open books for subscriptions to the capital stock of said company, at Liberty, Brownsville and College Corner, and at such other places as they may deem proper; and until a regular board of directors is chosen by the stockholders, shall have full power and authority to do all lawful things necessary and proper to be done for the surveying of a proper line of road, and the interests of the company.

SEC. 6. The corporation or company aforesaid, shall be governed in all respects by the provisions of the Junction Railroad Company's charter of incorporation, passed 8th of February, 1848, so far as the same is applicable to the government of this company, and shall have all the powers and privileges in like manner as granted to said company; and all amendments made to said charter, this company may adopt by a by-law of their board, duly recorded on the books of the company, and signed by the president thereof.

SEC. 7. This act shall be deemed a public act, and shall be liberally construed, for all lawful, necessary purposes, and shall be in force from and after its passage.

CHAPTER LXX.

An act to legalize the doings and proceedings of the Alton, Mt. Carmel and New Albany Railroad company, and for other purposes.

[APPROVED FEBRUARY 4, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the doings and proceedings of the Alton, Mt. Carmel and New Albany Railroad Company, at their meeting, begun and held at Mt. Carmel, on the first Monday of June, 1849, be, and the same are hereby legalized.

SEC. 2. That said company shall have five years from the date of the approval of this act to commence said road, and fifteen from the time of commencing, to complete and finish the same.

CHAPTER LXXI.

A Preamble and Act to amend an act entitled "an act to incorporate the Indiana Canal Company," approved December 6th, 1848, and the amendment thereto, approved January 17th, 1849.

[APPROVED FEBRUARY 5, 1851.]

WHEREAS, It is highly important and beneficial for the citizens of this State, and all others concerned in the navigation of the Ohio river, that the obstructions of the falls be removed by a canal or other judicious improvement made by the general government, to render that navigation free from tolls, difficulties or burthens, except for necessary superintendence or repair of such improvement; and it appearing, both by the survey of Wm. J. Ball, civil engineer, and the report of Col. Long, superintendent of western river improvements, that a new canal on the Indiana side of the river would be a suitable improvement; for the purpose of facilitating that, or some similar improvement by the United States, and to render said navigation free—

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the president and directors of the Indiana Canal Company are hereby authorized and empowered to surrender, assign, set over and transfer to the United States, or any proper officer thereof assigned or directed to that service, for the use, control and benefit of the United States, all the powers, rights and privileges granted to said Indiana Canal Company by said acts, for the purpose of surveying, locating, constructing or repairing a canal at or around the falls of the Ohio river on the Indiana side thereof, to erect and construct locks, and execute all works necessary for opening, improving and extending the navigation of said river; and upon the filing of a duplicate of such transfer and assignment in the office of the secretary of State [of this State,] the said rights, powers and privileges shall become and remain vested in the United States, or the said officer and his successor in charge of said work, for the use and benefit of the United States, with authority to provide under said act and amendment in the name of the United States, or of said officer or officers, to locate and construct all of said improvements as provided in said acts, and especially in the fourteenth, fifteenth, sixteenth and twentieth sections of the act of incorporation, and the first section of said amendment; but the provisions of the sections seventeen, twenty-two and twenty-four of said act of incorporation shall not be thereupon operative upon the United States, her officer or officers, nor said canal company.

SEC. 2. Notice of said surrender and transfer shall be published in two public newspapers in the city of Indianapolis, in this State;

and all and any of the grants, rights, powers and privileges of said acts of incorporation, and the amendment thereto, not necessary nor important for the locating, constructing, superintending or repairing said canal or other improvements of the navigation of the falls of the Ohio river, may be and shall remain reserved to said canal company, and continue in full force and effect; and the period of forfeiture of the same for failure to begin said canal or improvement is hereby extended to five years from the date of this amendment, and for failure to complete the same to ten years from the same date; and the proceedings of the directors of said company in organizing and continuing the same, are hereby declared legal, in force, and said company fully incorporated.

SEC. 3. That to enable said canal company to surrender and transfer the rights herein specified free and unincumbered, the section fourth of the amendment, approved January 17th, 1849, is hereby repealed.

CHAPTER LXXII.

An act to repeal an act therein named.

[APPROVED FEBRUARY 4, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That an act entitled "an act for the relief the people of Noble, Lagrange, Steuben, and DeKalb counties," approved January 31, 1843, be, and the same is hereby repealed.

SEC. 2. And all laws repealed by the act in the first section of this act mentioned, are hereby revived and declared in full force.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER LXXIII.

An act locating a State Road on the line dividing the counties of Allen and DeKalb, and for other purposes.

[APPROVED FEBRUARY 4, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That there is hereby established a state road commencing on the line dividing the counties of Allen and DeKalb, where the old state road from Fort Wayne to the Ohio state line, on the south-east side of the Little St. Joseph River, crosses said line; thence east on said county line to intersect a road leading from Springfield township, in Allen county, to Spencerville, in DeKalb county; thence north with said road on a line through the centre of section 33, township 33 north, of range 14 east, to the bridge across the St. Joseph river, near Spencerville aforesaid.

SEC. 2. *Be it further enacted*, That so much of the old Fort Wayne State Road, leading from Fort Wayne to the Ohio state line, on the south-east side of the St. Joseph river, as passes over section 33, in township 33 north, range 14 east, in DeKalb county, be, and the same is hereby vacated.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER LXXIV.

An Act for the benefit of the Martinsville and Franklin Railroad Company.

[APPROVED FEBRUARY 5, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be lawful for the Martinsville and Franklin Railroad Company to borrow money for the objects of the organization of said Company, either within or without the State of Indiana, at such rate of interest and upon such terms in all respects as may be agreed upon by the parties to such loans. And said company shall also have full power and authority to mortgage or pledge any part or all of the corporate property of said company as a security upon any such loan or loans.

SEC. 2. *And it is further enacted*, That said company shall have full power and authority to issue bonds or other evidences of debt, for the purpose of raising money for the objects of such organization, and bearing such rate of interest as said company may deem advisable; and such bonds or other evidences of debt may be sold or otherwise disposed of by said company in raising money or in procuring labor and materials in the prosecution of the objects of such organization, upon such terms and at such rate as may be agreed upon by the parties; and if such sale or other disposition of such obligation or other evidence of debt shall be at a discount, the same shall remain as valid and binding in every respect as if sold at par value.

SEC. 3. *And be it further enacted*, That all laws coming in conflict with the provisions of this act, be, and the same are hereby repealed.

SEC. 4. This act is hereby declared to be a public act, and to be in force from and after its passage.

CHAPTER LXXV.

An act to incorporate the Sparta and Versailles Turnpike company.

[APPROVED FEBRUARY 13, 1851.]

SECTION. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Raney C. Stevens, William J. McCrary, of Dearborn county, and Henry J. Bowers, Harvey Moss, Samuel J. Goucher, Thomas Patterson, and John W. Smith, of Ripley county, and their associates and successors be, and they are hereby constituted a body politic and corporate, under the name of the "Sparta and Versailles Turnpike Company," and by that name may contract and be contracted with, sue and prosecute, and be sued and prosecuted, to final judgment in all courts having competent jurisdiction, and do and perform all other things lawful for such company to do, and they are hereby invested with all powers and privileges in any wise necessary and expedient to carry into effect the proper business of the association.

SEC. 2. *Be it further enacted*, That all the rights, privileges, powers and authority granted to the Moorshill and Aurora Turnpike Company, contained in sections Nos. 3, 4, 5, 7, 8, 9, 11, 12, 14, 15 and 16 of an act to authorize a company to construct the Moorshill

and Aurora Turnpike, approved February 15th, 1848, be and the same are hereby granted to the Sparta and Versailles Turnpike Company, and said sections are hereby made a part of this act: *Provided*, That no county or township shall be authorized to subscribe for stock in said company.

SEC. 3. The capital stock of said company shall consist of ten thousand dollars, which may be increased at any time to any sum not exceeding double that amount, that may be deemed expedient to carry into execution the legitimate objects of said company, and said stock shall be deemed as personal property.

SEC. 4. So soon as may be deemed expedient after five thousand dollars of the capital stock shall have been subscribed, said commissioners shall appoint some suitable time and place for holding an election for seven directors, each of whom shall be a stockholder of at least two shares. Said commissioners shall, in all things, manage such elections and give proper certificates to the persons elected, who shall hold their offices for one year and until their successors are duly elected and qualified.

SEC. 5. Said company shall have power to view, mark, locate and construct a turnpike road from Sparta, in Dearborn county, to Versailles, in Ripley county, and in constructing said turnpike, said company may follow such plan and use such materials as they may deem most expedient, and if it shall be found necessary and advantageous to the location and construction of said road, the company shall have the right to lay the same along and upon any state or county road; and the directors of the said company shall be liable in their individual capacities for all debts by them contracted beyond the amount of solvent stock subscribed at the time.

SEC. 6. This act is hereby declared to be a public act, and to be in force from and after its passage.

CHAPTER LXXVI.

An act for the relief of Joseph Allen, Elias Grant, and Joseph Mathers, of Crawford county.

[APPROVED FEBRUARY 10, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board of the county of Crawford be, and they are hereby authorized to strike from the tax duplicate the poll tax

of Joseph Allen, Elias Grant, and Joseph Mathers, and the said Joseph Allen is hereby exempted from the payment of any poll tax during his lameness.

SEC. 2. This act shall take effect and be in force from its passage and publication.

CHAPTER LXXVII.

An act legalizing a certain deed of conveyance heretofore made and executed by the County Auditor, of Perry county, to William Elder.

[APPROVED FEBRUARY 8, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the deed of conveyance made and executed on the thirteenth day of July, in the year eighteen hundred and forty-eight, by the auditor of Perry county to William Elder, for the west or undivided half of the south-east fractional quarter, and the south-west quarter of the north-east quarter of section twenty-seven, in township five south, of range one west, is hereby made and declared to be a good and sufficient conveyance in fee simple of the said premises, and that the mortgage executed by the said Elder upon said premises, bearing even date with said deed and executed for the purpose of securing the payment of the purchase money of said premises be also declared a good and valid mortgage, and shall hold a lien upon said premises in said deed mentioned, until the full payment of the purchase money thereof.

SEC. 2. The contract and all the acts between the said auditor and the said Elder in reference to the said land, are hereby legalized.

SEC. 3. This act shall take effect and be in force from and after its passage.

CHAPTER LXXVIII.

An Act to amend "an Act to incorporate the town of Liberty in Union county," approved January 18, 1850.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana:* [That] the common council of said town of Liberty shall have power to make and enforce all by-laws enacted by said common council, for the better government of said town, the prevention of all crimes and misdemeanors within the limits of said corporation; and all breaches thereof shall be heard and tried before some justice of the peace, a resident within said county, having jurisdiction of similar offences under the general law of the State.

SEC. 2. In addition to the former boundaries of said corporation, the same are now extended so as to embrace all of that lot or parcel of ground adjoining to the said town, on the east, and lying south of the college corner, and Liberty Turnpike, and north of that part of the out-lots known as "Burnside's Addition," all of which are hereby declared to be a part of the corporate limits of the town of Liberty.

SEC. 3. The common council shall have power to tax all personal property, or capital vested and being employed by any person or persons, non-residents within said corporation, in the same manner and to the same amount that the said common council taxes the personal property, and capital of residents of said town; and shall also have power to lay and collect a poll tax of fifty cents on every resident within said corporation liable to pay a poll tax by the general laws of the State; and an additional fifty cents on those who pay no property tax; and all dogs, and animals of the dog kind, the common council may tax and collect from the owner thereof any sum not exceeding two dollars for each animal, all of which taxes shall be for the benefit of the said corporation.

SEC. 4. The common council shall have full power to regulate or prohibit the sale or barter or spirituous and intoxicating liquors; and shall have full power and authority over all unlicensed groceries, tippling houses and taverns, within said corporation; to prohibit by all necessary ordinance and regulations, the sale, barter or dealing in all spirituous or intoxicating liquors, in the house, out-house, yard, garden or appurtenances thereto belonging, of each and every person or persons, owning, renting or keeping the same; to prevent all riotous, drunken or disorderly conduct therein, and to enforce said ordinances by a reasonable penalty for every violation of the same, by each and every person or persons whomsoever, to which may be added imprisonment in the jail of the county, not exceeding twenty-four hours.

SEC. 5. That the eleventh section of the original act of incorporation of said town be so amended that it shall not be necessary to make publication of any ordinance made by the common council, in a newspaper, as therein stated, but that a notice of the same posted up in three of the most public places in the town, reciting said ordinances, either in writing or by printed copies thereof, at least ten days prior to the same being in force, shall be deemed due publication thereof.

SEC. 6. This act to be in force from and after its passage.

CHAPTER LXXIX.

An Act to legalize the election of Isaac P. Snellson to the office of Treasurer of Madison County.

[APPROVED FEBRUARY 6, 1851.]

WHEREAS, It has been represented to the General Assembly of the State of Indiana, that Isaac P. Snellson, of Madison county, was on the first Monday in August, A. D. 1850, by the legally qualified electors of said county of Madison, elected to the office of treasurer and collector of said county, and that within the proper time thereafter, the said Snellson took the oath of office, and filed with the proper officer his official bond with sufficient sureties according to law, which said bond was, by the board of county commissioners, at their first regular session after said election, approved:

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of an act entitled "an Act defining the duties of the treasurer of Madison county, as to road tax," approved January 21, 1850, as repeals section 70 of article 4, of chapter 7, of the Revised Statutes of 1843, be and the same is hereby repealed, and said section 70 is hereby revived and declared in full force in the county of Madison.

CHAPTER LXXX.

An Act declaring a mis-print in an Act approved January 16, 1849.

[APPROVED JANUARY 21, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana;* That the word "Port Laurel," in the third section of an Act entitled "an Act authorizing the election of an additional justice of the peace in [the] township of Adams, in Madison county, also in [the] townships of Jackson and Jones, in Hancock county Indiana," approved January 16, 1849, is hereby declared to be a mis-print, and that the same shall be intended and taken to be the town of Portland in said township of Jackson, in said county of Hancock.

SEC. 2. *And be it further enacted:* That all the official acts of Robert McCorkhill, as justice of the peace, elected under said act, be and they are hereby in all things legalized.

SEC. 3. This Act to take effect and be in force from and after its passage.

CHAPTER LXXXI.

An Act for the relief of the widow and heirs of Alexis Le Roy, deceased.

[APPROVED FEBRUARY 14, 1851.]

WHEREAS, Alexis Le Roy, and Elizabeth, his wife, did, in the lifetime of the said Alexis, by their deed, dated September 18th, A. D. 1841, convey to Joseph Somes and John Scott, in trust, certain real estate in said deed described, being and situate in the town of Vincennes, in the State of Indiana, for the use of the said Elizabeth, for life, and after her death for the use of Alexine and Cora Le Roy, the only children of said Alexis and Elizabeth at the time of his death, or the survivor of them, for life; and after their death, to be conveyed by said trustees to the heirs of the said Alexine and Cora in fee;

AND WHEREAS, The said Alexis departed this life on the 14th day of October, A. D. 1841, without leaving any other means for the support of the said Elizabeth, or for the support and education of the said Alexine and Cora than this trust estate;

AND WHEREAS, The rents of said estate are, and always have

been, since the death of the said Alexis, wholly insufficient for the support of the said Elizabeth, and much less the support and education of the said Alexine and Cora, during their minority;

And Whereas, The said Elizabeth has incurred great expense for the education and support of the said Alexine and Cora, and must still incur more expense for the education of the said Cora;

And Whereas, The said trustees, and the said Elizabeth for herself, and [as] natural guardian of the said Cora, and the said Alexine and Hugh T. Reid, her husband, for themselves, and as natural guardians of Alexis Le Roy Reid, their only child, have consented to, and applied for the passage of this act. Therefore,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Joseph Somes and John Scott be, and they are hereby discharged from all the powers and duties conferred and imposed upon them by a deed of trust, from Alexis and Elizabeth Le Roy, dated September 18th, 1841, and recorded by the recorder of Knox county, in said State, in record book L, pages 151, 152 and 153, on the 27th of September, A. D. 1841.

Sec. 2. That the said Elizabeth Le Roy be, and she is hereby authorized and empowered to act as trustee instead of the said Joseph Somes and John Scott, and to do and perform all acts and duties which might have been performed by them.

Sec. 3. That said Elizabeth be, and she is hereby further authorized and empowered to sell said real estate in said deed described, and to make a deed to the purchaser thereof, conveying the same in fee simple, discharged from all interest of the said Joseph Somes and John Scott, as trustees, and of the said Alexine and Cora Le Roy, and their heirs, and to apply so much of the proceeds of said sale to her own use, as may be necessary to reimburse her for the support and education of the said Alexine and Cora, from the death of their father, Alexis Le Roy, during their minority; and if anything shall remain after such reimbursement, then the said Elizabeth shall invest the same in such manner, either in real estate or in real estate securities, as she may deem best for the interest of herself for life, and for the said Alexine and Cora, and their heirs, after [her death:] *Provided, however*, That this act shall in no case whatever interfere with the rights of creditors against the estate of the said Alexis Le Roy, deceased; they shall have full power to enforce their claims against said estate in as full and complete a manner as if this act had never been passed.

Sec. 4. This act to be in force from and after its passage.

CHAPTER LXXXII.

An Act to amend an act entitled "an act to incorporate the Ohio and Mississippi Railroad Company."

[APPROVED FEBRUARY 13, 1851.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Ohio and Mississippi Railroad Company are hereby authorized to borrow money from time to time on the credit of said company, at any rate of interest per annum to be agreed upon between the parties, for the sole purpose of constructing said road and furnishing the same with cars, locomotives and other machinery necessary to carry on the operations of said company, and may issue its corporate bonds therefor; and to secure the re-payment thereof, with the interest which accrues, may mortgage the road, income and other property of said company; and they may, by their president, or other officers or agents, sell, dispose of, negotiate such bonds or stocks of said company, at such times and such places, either within or without this State, and at such rates and for such prices as in their opinions will best advance the interests of said company, and if such bonds or stocks are thus sold at a discount, such sale shall be as valid and binding in every respect as if sold at par value; and the said company are hereby authorized to confer upon the holder of any bond issued as aforesaid, the right to convert the principal thereof, at any time unpaid, into the stock of the company.

Sec. 2 Nothing in this act shall extend or enlarge the powers heretofore granted to said company, in relation to determining the rate of interest or discount in making sale of county bonds; nor shall any bonds be issued on any county subscription until said road shall be permanently located and put under contract for construction in such county; and the proceeds thereof shall be solely applied agreeably to the terms of said subscription.

Sec. 3. This act shall take effect and be in force from and after its passage, and the acceptance of this act by said company, by order of the board of directors, entered upon the minute book of said company, and be deemed and taken for a public act.

CHAPTER LXXXIII.

An act to incorporate the Winchester and Greenville Railroad Company.

[APPROVED FEBRUARY 13, 1851.]

WHEREAS, The citizens of Randolph county, in the state of Indiana, have surveyed and located a railroad from Winchester, in the county of Randolph aforesaid, to the said state line at the western terminus of the Miami and Greenville Railroad:

AND WHEREAS, The said citizens have procured a profile of said railroad, together with drafts and specifications of the bridges and culverts and the estimates necessary for the construction of said railroad:

AND WHEREAS, The citizens aforesaid have taken releases of the right of way from the persons through whose land said railroad runs (with the exception of two or three persons who are not residents of this state, one of whom is said to reside in France,) to David J. Cottom, James Griffis, George W. Monks, Daniel Hill, and Moorman Way, and their successors and assigns:

AND WHEREAS, The aforesaid citizens have purchased a site for a Depot, at the terminus of the said railroad at Winchester aforesaid, and have paid for the same, and have taken a conveyance therefor:

AND WHEREAS, The said citizens have let the cutting and grubbing of said railroad for stock in the same:

AND WHEREAS, The said citizens have taken a large amount of stock in said railroad over and above the cutting and grubbing:

AND WHEREAS, There is a considerable portion of the cutting and grubbing of said railroad done and completed: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That David J. Cottom, James Griffis, George W. Monks, Daniel Hill, Moorman Way, and their successors in office, duly elected as hereinafter directed, are hereby constituted a body politic and corporate, and by the name and style of the "President and Directors of the Winchester and Greenville Railroad Company," shall be able and capable in law and equity to sue and be sued, defend and be defended, answer and be answered unto, in any and all courts whatsoever; to make and use a common seal and the same to alter or change at their pleasure, and shall be able in law to make contracts and enforce the same, and to make and enforce the necessary by-laws, rules and regulations to enable them to carry into effect the provisions of this act and the objects contemplated by the same, not inconsistent with the laws and constitution of this State.

SEC. 2. The directors of said company shall be five in number, three of whom shall at all times constitute a board for the transaction of business in the absence of others, and the acts of a majority of said board when assembled shall be binding upon said company. All vacancies occurring in said board shall be filled by a majority of said directors and the person by said board appointed shall serve until a new board shall have been chosen and qualified: *Provided, however*, That no person shall be eligible to hold the office of director who is not a stockholder in said company and every director thus chosen shall serve as such until his successor is chosen and qualified.

SEC. 3. At all elections after the first, each stockholder shall be entitled to such number of votes as the company by its laws may determine: *Provided*, No stockholder shall be entitled to more than fifty votes, and said votes shall be cast in person or by proxy appointed in writing and signed by such stockholder, and no stockholder shall be entitled to vote after the first election unless the stock by which he claims to vote shall have been held by him at least six months prior to such election, and no president, director, or other officer of said company shall vote at any election of directors as agent, attorney, or proxy of any stockholder.

SEC. 4. Within ninety days after the passage of this act it shall be the duty of said corporation to give three weeks' notice thereof in some newspaper of Randolph county, and in such notice to appoint a time and place for said stockholders to meet and elect five directors, who shall be stockholders, and such election shall be by ballot and conducted by and under the superintendence of one inspector and two judges, appointed by the stockholders present, and the persons having the highest number of votes shall be declared duly elected.

SEC. 5. The board of directors first chosen according to the provisions of this act shall meet within thirty days after their election, at which meeting it shall be the duty of said directors to appoint one of their number as president of said board, and they shall also appoint a secretary and treasurer of said company, whose duties, terms of service, and compensation shall from time to time be regulated by said board.

SEC. 6. Said board of directors shall, at their first or some subsequent meeting, at an early day, fix the time for the next annual election of directors not more than one year from the time of such meeting, and all subsequent elections for directors shall be held annually thereafter, and shall be conducted in such manner as the board shall prescribe.

SEC. 7. One month's notice of the election of directors, at each annual election, shall be given by publication in one or more newspapers published nearest to the place of holding said election.

SEC. 8. Each board of directors shall continue in office for the

term of one year and until a new board is chosen and qualified; and in case any annual election shall not be held for directors on the proper day for holding the same it shall be held at some early day thereafter, to be fixed and appointed by the directors then in office, giving the same notice thereof as required to be given for elections regulary held.

Sec. 9. The capital stock of said company shall be one hundred and ten thousand dollars which may be increased at the pleasure of said company from time to time as the interest of said company may require in the prosecution of the work or in making necessary repairs thereto, and shall be divided into shares of twenty-five dollars each.

Sec. 10. That all grants of the right of way and the deed for the depot ground at Winchester to the said persons in the first section named, or to the road as the same is now located from Winchester to the state line aforesaid, shall pass to and vest in said corporation, in the way and manner, and to the same extent as if said grants had been made to said corporation after the passage of this act, and that all public roads or any part thereof which are now used by the said company in the construction of said railroad, or along or across which the location of said railroad has been made, shall pass to and vest in and be used by the said corporation for said railroad, with full power to change or alter said location from time to time as the said company may think fit or as the public necessity may require, and that all subscriptions of capital stock which have been made as aforesaid to the persons above named, or which may hereafter be made to them before the publication of this act, shall vest in said corporation to all intents and purposes, and as fully as if the subscriptions and each of them had been made to said company after the taking effect of this act; and the said corporation may, for the recovery thereof, commence and prosecute to final determination any and all actions at law or suits in equity in any and all courts having jurisdiction of the subject matter.

Sec. 11. That all contracts, agreements or covenants made by the said persons in the first section mentioned, or their duly constituted agents, with any person or persons, or with any body politic or corporate, for the construction of said railroad, or any part of it, or for any materials used or to be used in the construction of the same, shall be binding and obligatory on said corporation, and for the breach of said contracts, agreements, or covenants, or any of them, the person or persons with whom the same were made may sue the corporation thereon in the same way and manner as if the said contract, agreement or covenant had been made with said corporation by name in a corporate capacity, and the said corporation shall have full right and lawful authority to sue in the corporate name therefor on all such contracts, agreements and covenants, as if the same had been made with said corporation in the corporate

name, and when an action at law or suit in equity is commenced by or against said corporation, it shall be sufficient to describe said contract, agreement or covenant as having been made by said corporation and to give the same in evidence in proof thereof.

Sec. 12. The board of directors of said company shall have power to supply vacancies in the offices of president, secretary and treasurer of said company, to meet from time to time as often as may be thought expedient; adjourn from time to time as they may think necessary; to adopt and establish such rules and regulations, and make such by-laws as in their judgment the business of the company may require, and are necessary for the better organization of the company, and to enable them to do and perform their duties and to carry out the designs of the powers granted by this act, and the by-laws of said company to alter and amend at pleasure, as by said board may be found necessary; to appoint all subordinate officers, engineers, artists, agents and workmen that may be necessary to carry out the objects of said company; to demand at such time and in such proportion as they shall see fit, the sum of money due by stockholders on their respective money subscriptions of stock, under pain of forfeiture to the company of the shares of their stock, and all previous payments thereon, or of such other penalty as may be prescribed by the by-laws of said company, or to sue therefor and recover the amount due in an action of debt or assumpsit, in any court of competent jurisdiction; to issue proper certificates of stock to the stockholders, and to determine in what manner and under what restrictions the shares of stock shall be transferable; to fix the compensation and prescribe the duties of the several officers and agents in the employ of the company; to require such bonds, obligations and securities from the treasurer, secretary and other officers of the company as may be deemed necessary; to open and continue open as long as necessary, books for the subscription of stocks in said company; to acquire, purchase, sell, lease and dispose of real estate for the use of the company for the purposes and in the manner hereinafter described; to decide upon all locations of the road hereinafter mentioned, and establish and construct depots, toll houses, offices, warehouses, machine shops, and all necessary structures, fixtures, machinery and apparatus; to order and cause to be made all estimates, surveys and lettings of work at such times and places as they may determine; to prescribe such form of contract, rules, regulations and specifications for the performance of work, as they may judge proper; to enter upon, and take possession of any land which may be necessary for the construction of said road, and to make the same available; to regulate the time and manner in which cars and railroad vehicles, travel and property shall pass on said road; to make and construct, and to keep in constant repair, said road; to establish and collect the amount of tolls, and transit duties for the travel or transportation of any property on said road;

to make and declare dividends of profits and income of said road and its appurtenances, among the stockholders, at such time as they may deem expedient, and do all other necessary and proper acts, in accordance with the provisions of this act, according to its intent and meaning.

SEC. 13. The company shall have power to call for such proportions of the stock subscribed, not exceeding ten dollars on each share in any one year, (unless it shall become absolutely necessary to collect a greater amount to enable said company to procure materials or laborers for the prosecution of the work,) the same to be paid at such time and place as the board may designate, of which said board shall give at least sixty days' notice in some newspaper published at or nearest the place where the same shall be made payable, or by written notice given to the stockholders, in which shall be specified the amount demanded on each share, and the time and place of payment. If any stockholder shall neglect or refuse to pay any such requisition within ten days after the time named for such payment, the company may bring suit against him or them for the amount due and called for, in any court of competent jurisdiction, and recover the amount due, with ten per centum damages for such detention, and if the amount cannot be made on execution, or if the delinquent is out of the State, so that suit cannot be brought against him, or his goods or chattels, lands or tenements cannot be reached, then said company may, by order in their books, declare such stock forfeited to the company, with whatever amount may have been paid thereon; and no such delinquent, before the forfeiture of such stock, shall be permitted to vote for directors, or receive any dividend on his, her or their stock, until he is restored to said rights by order of the board.

SEC. 14. Said company, by its agents, has full power from time to time to examine, survey, locate and construct the aforesaid railroad of a single or double track as they may deem most expedient, on the line as now located, or as near thereto as said company may deem most to its interest, with the privilege to alter or change the location, as the interest of the public or the said company may require, but so as not [to] materially alter or change the route of said road.

SEC. 15. For the purpose of making such examination, survey and location, it shall be lawlul for said company, by their agents, or persons in their employ, to enter upon any land to make surveys and estimates, or search for stone, gravel, wood or other materials necessary for the construction of said railroad.

SEC. 16. It shall be lawful for said company, either before or afer the location of said road, to obtain from the person or persons through whose land the same may pass, a relinquishment of so much of the land as may be necessary for the construction or location of said railroad, as also the stone, gravel and other materials; and also to receive by donations, gifts, grants, bequests, lands, money,

labor, property, stone, gravel, timber or other materials for the benefit of said company; and all such contracts, relinquishments, donations, grants, gifts and bequests made and entered into in writing, by any person or persons capable of contracting, made in consideration of such location or construction of said road, for the benefit of the company, shall be binding and obligatory; and said company may have their action at law or in chancery in any court of competent jurisdiction, to compel the performance of the same.

SEC. 17. In all cases, when any person through whose land the said railroad may run, shall refuse to relinquish the same, or when a contract cannot be made for such relinquishment, or for stones, gravel, timber or other materials necessary for the construction of said road, it shall be lawful for said company to give notice to some disinterested justice of the peace of the county of Randolph, and State of Indiana, that such facts do exist, whereupon said justice of the peace shall cause the owner of said land or materials to be summoned to appear before him on some particular day in said summons named, or within ten days thereafter, and shall also cause to be summoned twelve disinterested persons of the neighborhood, who shall, after taking an oath to be administered by said justice, faithfully and impartially, upon view, to assess the damages, if any, resulting to the lands or materials, taking into consideration the advantages as well as disadvantages the road may be to the owner or owners of such land or materials, and shall report thereon, whether the owner thereof is entitled to damages or not, and if any, to what amount, and shall file such report in writing with said justice; whereupon said justice shall render judgment thereon, unless for good cause shown to the contrary; and in case either party should show sufficient cause why judgment should not be entered, the justice may grant a review of said premises, either with or without costs: *Provided*, That either party may appeal at any stage of the proceedings, to the circuit court of the said county, as in other cases, and such court shall appoint reviewers as above directed, who shall report at that or the succeeding term, in the discretion of the court; and the judgment of said court shall be final thereon, and shall vest in said company the right of way through or over said land, and the right to take and apply the timber, stone, gravel or other materials for the construction and repairing of the same; and in case judgment shall be rendered in favor of such owner for damages, the same shall become a *lien* upon the property and stock of said company, from the date of its rendition.

SEC. 18. When said company shall have procured the right of way as hereinbefore provided, they shall be seized in fee simple of the right to said land, and shall have the sole use and occupation of the same, and no person, body corporate or politic shall in any way interfere therewith, or molest, disturb or injure any of the rights and

privileges hereby granted, so as to detract from or affect the profits of said corporation.

SEC. 19. The said company shall commence the construction of said railroad within four years after the passage of this act, and shall complete the same within twenty years: *Provided*, That if the same should not be completed within the time aforesaid, the legislature may give further time for its completion: *Provided, also*, If any part of said road shall be completed within the time aforesaid, in that case all the rights, privileges, and benefits granted in this act, shall be extended to be vested in said company, to such part of said road as may be completed.

SEC. 20. Said company may construct said road, with all the necessary turns, gates, bridges, acqueducts, culverts, toll and ware houses, that may be necessary for the interests of the company and convenience of the public, and may charge tolls or freights on such part of said road as may be suitable for use, although the whole shall not be finished.

SEC. 21. It shall be the duty of the board of directors to make semi-annual dividends of the profits amongst the several stockholders, on the amount of stock subscribed and actually paid in, but the same shall not be paid over to said stockholders, but shall be entered on the proper books of said company, to the credit of said stockholders, and shall be considered as a payment on said stock, until the amount subscribed (if needed for the construction of said work) is fully paid, and all the profits of said road shall be applied to the payment of the debts of said company, (except what may be necessary to pay the ordinary expenses of said company, and to keep said road in repair,) until all the debts are fully paid, after which dividends shall be made upon the amount of stock paid in, and after deducting the necessary expense, the balance shall be paid over to the respective stockholders, in proportion to their respective shares of stock by them paid in.

SEC. 22. Said board of directors shall have a public office, at or near the said town of Winchester, and shall keep a fair journal of all their proceedings, and a just and full account of the capital stock and property of every description, and all moneys received from every source whatever, and of all moneys disbursed, which shall be entered in full on said books, which shall be open to the inspection of the stockholders, and to any agent, attorney, or committee which the legislature may appoint at any time, to examine the books of said company.

SEC. 23. It shall be lawful for said company to acquire, hold and convey, real estate for the following purposes: First, such as may be taken in subscription for stock. Second, such as may be necessary for the accommodation and transaction of the business of said company. Third, such as may be mortgaged in good faith by way of security for money due the company. Fourth, such as shall be

conveyed to said company in satisfaction of debts contracted in the course of the necessary dealings of the company. Fifth, such as may be purchased at sales under judgments or decrees rendered in its favor.

SEC. 24. All conveyances, releases, and transfers of real estate to and from said company, shall be in the corporate name of said company; and all conveyances, leases, and titles, from said company, shall be sealed with the seal of said company, signed by the president, and countersigned by the secretary thereof.

SEC. 25. Lists of the rates of tolls, and freights for the transportation of merchandize, lumber, stock and passengers, when established by the directors, shall be made out by the secretary, and posted up in the office of the board of directors, and at each of the depots, and principal business places, cars and warehouses of said company; and no higher rates shall be charged or taken by said company, or any officer thereof, unless the same shall have been allowed by the board of directors, and posted up as aforesaid.

SEC. 26. Every person subscribing stock in said company like real estate, shall state in writing, the place of his residence, the description and quantity of the land by him subscribed, the county in which the land is situated, together with an abstract of his title, and shall also accompany the same with certificates of the clerk and recorder of the county in which said land lies, that there is no judgment, mortgage or *lien* of record or otherwise, in either of their offices by which said land is in any wise encumbered; for which certificates the clerk and recorder shall be allowed ten cents each, to be paid by such subscriber of stock; and he shall also make and file his affidavit with said board, that he is the owner in fee simple of said land, and that the same is free and clear from judgments, liens or any incumbrances of any kind whatsoever, to the best of his knowledge and belief; and no real estate shall be taken as such stock, which does not lie in this State.

SEC. 27. The board of directors at any time after the subscription of real estate as stock, may give notice to those who have made such subscriptions of stock, to deposit their title papers for such land, in the recorder's office of such county as said board shall designate, and upon doing so, shall take from such recorder, duplicate receipts therefor, one of which he shall, within thirty days after receiving said notice, file and deposit with said board of directors, and the other to be retained by such subscriber.

SEC. 28. Said board shall cause an accurate list of all which may be so subscribed, to be made out and recorded in a book of said company, to be kept for that purpose, and shall thereupon give notice to the board of commissioners of the county of Randolph, aforesaid, that said lands are ready for appraisement; whereupon it shall be, and is hereby made the duty of the board of commissioners of said county, at their next regular term, to appoint a good, repu-

table freeholder of said county, as an appraiser, and to make out and deliver to him a written certificate of such appointment, which person, thus appointed, shall be the appraiser of said lands. Said appraiser, before entering upon the discharge of his duties, shall take an oath or affirmation before some officer competent to administer the same, faithfully and impartially, and to the best of his ability, to discharge his duty as appraiser of said lands; which oath or affirmation shall be endorsed on the back of the certificate of appointment, by the officer administering the same, and subscribed by such appraiser, and by him deposited with the directors of said company.

Sec. 29. As soon as the said certificate of appointment and qualification of said appraiser are filed with said board of directors, they shall cause a list of said lands, together with the abstracts of title, furnished by said subscribers, to be made out and delivered to said appraiser.

Sec. 30. Said appraiser shall record in a book to be furnished him for that purpose, by said board, the authority by which he acts, and the oath or affirmation endorsed on the same, and shall proceed forthwith to examine the title of said subscribers to the lands so subscribed; and if satisfied with the validity and correctness of the same, shall upon view, appraise said lands at their fair cash value at the time of such valuation, and shall enter in the books aforesaid, the description and quantity thereof, the amount per acre at which it is appraised, the name of owner, and the place of his residence; and when the whole is completed, the same shall be signed by said appraiser, and by him deposited with the board of directors, to be by them safely kept. *Provided*, That in any and all cases where the person subscribing land and the board of directors shall agree upon the value of the land so subscribed, it shall be unnecessary to refer the same to said appraiser.

Sec. 31. So soon as said appraisement shall be completed and filed with said board of directors as aforesaid, the secretary of the board shall give written notices to each of said subscribers of the value at which his or her lands thus subscribed has been appraised.

Sec. 32. Each of said subscribers shall, within twenty days after receiving such notice, severally convey all of his or her interest, title and claim in and to said land, by good and sufficient deed or deeds in fee simple to the president and directors of said company, for the purpose and use of said company, to be disposed of in the manner and for the purposes specified in this act.

Sec. 33. If any such subscriber or subscribers shall fail or refuse to convey as aforesaid, or otherwise secure the stock to the amount of said appraised value, he or they shall be bound to pay all the costs and expenses of appraising said land, and when the amount is made out and presented to him by the treasurer of said company, or any authorized agent thereof, if he or they shall fail or refuse to pay the same on demand, the same may be recovered by said

company in an action of debt or assumpsit together with ten per centum damages thereon and costs.

Sec. 34. As soon as any subscriber shall have executed a conveyance as above provided, the title papers deposited with the recorder as above required shall be delivered over to the board of directors, and if any subscriber shall fail to convey as hereinbefore required, the fact shall be certified by the secretary of the board to the proper recorder, as soon as such subscriber or subscribers have paid the costs and expenses required to be paid by him in the preceding section; the said recorder shall then return to such subscriber or subscribers the title papers aforesaid upon payment to such recorder by such subscriber or subscribers of ten cents on each tract of land subscribed as aforesaid, and it is hereby made the duty of the recorders selected by said board to receive and preserve said title papers to be disposed of as herein required.

Sec. 35. So soon as the board shall have received proper conveyances of lands subscribed, they shall cause a correct list of the same to be made out and recorded in a book to be kept for that purpose, which shall be open for the inspection of any person who may be interested therein or who may desire to purchase said lands or any part thereof.

Sec. 36. So soon as the requisite conveyances shall be perfected of the real estate stook of said company, the board of directors shall issue certificates of stock to the subscribers thereof to the amount of the appraised value of [said] real estate.

Sec. 37. The land thus subscribed and conveyed shall be subject to taxation as the property of said company, as other lands; but the stock based thereon shall not be subject to taxation until the lands shall be conveyed away by said company, and until it is thus conveyed away the person holding and owning said stock shall pay on demand to said company the amount of tax assessed on such land against said company and on failure to pay the same it shall be collected as other dues are collected by said company by action of debt or assumpsit, together with ten per centum damages thereon and costs.

Sec. 38. The stock of said company, other than as before mentioned and provided, subscribed and actually paid in, shall be subject to taxation as other property and shall be assessed and collected in the county of Randolph aforesaid.

Sec. 39. All the stock of said company shall be considered personal property and may be sold on execution issued against stockholders to the amount of his stock as other personal property, and transferred on the books of the company by the officer selling the same in the same manner that the same could be done by the owner thereof, and when such transfer shall have been legally made, if the execution defendant shall refuse to transfer and deliver the certificate of stock to such purchaser, it shall be lawful for the board of direct-

ors to make and deliver to such purchaser a new certificate therefor, stating therein the sale and transfer by such officer as aforesaid.

SEC. 40. In case any person or persons having subscribed real estate as stock in said company shall at any time release or quit claim the right of entering the same, the said board of directors may proceed immediately to sell and dispose of the same according to the provisions of this act.

SEC. 41. Said president, treasurer, and secretary, and such other officers as may be required by the by-laws to do so, shall each take an oath or affirmation to faithfully, diligently, and honestly discharge their respective duties; a copy of which oath or affirmation, properly certified by the officer administering the same, shall be filed in the office of said board previous to said officers entering upon the discharge [of] their duties.

SEC. 42. It shall not be necessary for the whole amount of the capital stock to be subscribed before the directors of said company may proceed to let or put under contract the whole or any part of said work; but they shall at no time put under contract an amount of work exceeding in cost the amount of stock subscribed according to the estimate of the engineer employed in locating and estimating said work.

SEC. 43. It shall be lawful for said directors to appoint one or more agents to open books for the subscription of stock in any one or more states as they may deem proper, which said stock shall be held and applied by said company as other stocks and subject to all the provisions of this act.

SEC. 44. At any time after the expiration of sixty years the state reserves the right to purchase said road by paying said company the entire cost of constructing said road and keeping the same in repair, with six per centum interest thereon.

SEC. 45. This act may at any time be altered or amended at the request of said company, upon the application of the president and directors thereof.

SEC. 46. It shall be lawful for other incorporated companies to subscribe, not exceeding fifty thousand dollars each, to the capital stock of this company, upon the same terms that individuals are authorized to subscribe.

SEC. 47. This act shall be in force from and after its passage, and taken and deemed a public act, and shall be liberally construed.

CHAPTER LXXXIV.

An Act to incorporate the Goshen and Plymouth Plank Road Company.

[APPROVED FEBRUARY 11, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That James H. Barns, Noah Anderson, William A. Thomas, Henry Pearce and John Fitzpatrick, of the county of Elkhart, and Amzi L. Wheeler, William Pomeroy, Dr. Griffin and William M. Patterson, of the county of Marshall, be, and they are hereby appointed commissioners to open books at such places in the State of Indiana as they may deem best, for subscriptions to the capital stock of a company, for the purpose of constructing a plank road from the village of Goshen, in Elkhart county, to the village of Plymouth, in Marshall county, to be called the "Goshen and Plymouth Plank road Company," at any time within one year from the passage of this act; and said commissioners, or any five of them, shall give at least twenty days' notice of the time and place of opening said books, by publishing the same in one or more newspapers in the vicinity of the contemplated line of said road.

SEC. 2. The stock of said company may consist of money, labor, materials, choses in action, or such other property, either real or personal, as may be agreed upon by the commissioners or board of directors, after being elected; and all such stock, other than cash, shall be received only at such valuation as shall be affixed thereto by three disinterested persons: *Provided*, The parties subscribing such stock, and the commissioners or directors of said company, may amicably arrange the same.

SEC. 3. After one thousand dollars shall have been subscribed as stock in said company, it shall be the duty of the commissioners to order an election for directors of said company, to be held at some convenient place in the county of Elkhart, at such time as they shall appoint, giving at least twenty days' notice thereof in some newspaper published in said county, nearest to said line of road. And said commissioners, or a majority of them, shall attend said election, and conduct the same by opening a poll and receiving votes, between the hours of 10 o'clock, A. M. and 4 o'clock P. M. of said day; and after the voting shall have been closed, they shall immediately open and count the ballots, designating the number each individual voted for received, and declare those to have been duly elected directors, who shall have received the highest number of votes.

SEC. 4. The directors of said company shall be seven in number, five of whom shall constitute a quorum for the transaction of business. All vacancies occurring in said board, may be filled by a majority of the said directors; and the person or persons thus appointed shall serve until a new board shall be elected and qualified; and no per-

son who is not a stockholder shall be eligible to hold the office of director; and every person thus chosen as a director, shall serve until his successor is elected and qualified. At all elections for directors, each stockholder shall be entitled to one vote for each share of stock held by him, which may be given in person, or by written proxy, attested by one or more witnesses.

SEC. 5. The board of directors first elected, according to the provisions of this act, shall meet at such time and place as a majority of the aforesaid commissioners may appoint in the vicinity of the contemplated line of road, said commissioners giving at least ten days' notice of such time and place, in writing, to said directors; and at such meeting it shall be the duty of said directors to appoint one of their number president of said board; and they shall also appoint a secretary and treasurer of said company, whose duties, terms of service and compensation shall, from time to time, be regulated by said board; and said board of directors shall, at their first, or some subsequent meeting, fix the time for their next annual election of directors, not more than one year from the time of the first meeting; and all subsequent elections shall be held annually thereafter, and conducted in such manner as may be prescribed by said board.

SEC. 6. One month's notice for the election of directors at each annual election shall be given, by the publication thereof in one or more newspapers near the line of said road; and each board of directors shall continue in office for one year, and until their successors are elected and qualified; and in case any annual election shall not be held on the proper day for holding the same, it shall be held at some early day thereafter, to be fixed and appointed by the directors in office, giving the same notice thereof as is required for elections regularly held.

SEC. 7. The aforesaid commissioners, as soon as the first board of directors of said company shall have been organized, or within ten days thereafter, shall deliver over to said board the subscription books of stock, and shall pay over to the order of said board all moneys or property received by them [on] subscription; and in case any one or more of said commissioners shall fail, neglect or refuse to do so, with intent to defraud said company, or any stockholder thereof, such commissioner or commissioners so offending, shall be liable to said company in an action of debt or assumpsit for the recovery of the same, before any court having competent jurisdiction thereof; and upon judgment being rendered therefor, no stay of execution or valuation or appraisement laws shall be extended to the party or parties in default.

SEC. 8. The board of directors of said company shall have power to supply vacancies in the offices of said company, and to meet from time to time as may be thought expedient; to adopt and make such by laws as are not inconsistent with the laws of this State, as the interest of the company may require; to appoint all subordinate officers, engineers, agents and workmen that may be necessary to carry

out the objects of said company; to demand, at such time and in such proportion as they shall see fit, the sums of money or subscriptions in labor and materials due by stockholders, under pain of forfeiture of all previous payments thereon, or such other penalty as may be prescribed by the by-laws of said company, or to sue therefor and recover the amount due in an action of debt or assumpsit, in any court of competent jurisdiction; to issue proper certificates of stock, and to determine in what manner and under what restrictions the shares of stock shall be transferable; to purchase, acquire, sell and dispose of real estate for the use of the company; to erect mills, and declare dividends of profits and income of said road among the stockholders, at such times as they may deem expedient; and do all other necessary and proper acts, in order to carry out the provisions of this act, according to its true intent and meaning.

SEC. 9. The said directors, when elected, and their successors in office, are hereby constituted a body corporate and politic, by the name and style of the "President and directors of the Goshen and Plymouth Plank Road Company," and by such name may sue and be sued, plead and be impleaded, answer and be answered unto, either in law or equity, in any court of competent jurisdiction within this State, and may make or adopt a common seal, and the same to alter at pleasure.

SEC. 10. The capital stock of said company may be one hundred thousand dollars, and may be increased at the pleasure of said company to any sum not exceeding two hundred thousand dollars, that may be deemed necessary to carry into effect the legitimate objects of said company; and said stock shall be deemed personal property, and shall be divided into shares of twenty dollars each, and may be taken by any individual, corporation, company, townships or county, to be paid for, and at such times as provided for in sections two and eight of this act, the payments being equal *pro rata* upon all the stockholders.

SEC. 11. This corporation is hereby empowered to take possession of, occupy and use, for the purpose of constructing a plank road thereon, any state or county road, with the bridges, timber or other materials that may now be located, used or marked out, or any part thereof, between the village of Goshen, in Elkhart county, and the village of Plymouth, in Marshall county, if they may deem proper, and maintain and construct thereon, from time to time their road, of timber, plank, gravel or other hard material, so that the same shall form a hard smooth surface: *Provided*, The particular manner of building said road, and its width, shall be determined by the directors of said company.

SEC. 12. Whenever three continuous miles of said road shall be made and completed, according to section ten of this act, then the said company may erect a half toll gate on said three miles so completed, and demand and receive tolls for passing the same at the rates hereinafter mentioned; and whenever said company shall make and

complete any additional three miles of said road as herein required, then said company shall have the power to erect another half toll gate, and demand and receive toll for passing the same; and for every additional three miles of said road completed, said company may erect either half or whole toll gates, and at such places on said road as the directors of said company may judge for the best interest of the company, and demand and receive tolls for passing said gates at the rates hereinafter mentioned.

Sec. 13. The following shall be the rates of toll for each and every six miles of said road; and in the same proportion for a greater or less distance, to-wit: for each and every four wheeled carriage, wagon or other vehicle, drawn by one horse or other animal, not exceeding twelve cents; for every horse, or other animal, in addition, four cents; for every cart, chaise or other two wheeled carriage of any description, drawn by one horse or other animal, not exceeding eight cents—for every horse or other animal in addition, four cents; for every sleigh or sled, drawn by one horse or other animal, eight cents—for every horse or other animal in addition, four cents; for every coach, chariot or other pleasure carriage or vehicle, when used or designated chiefly for the conveyance of persons, drawn by one horse, twelve cents—for each additional horse or other animal, four cents; for every horse, mule and rider, five cents; for each horse, mule or ass one year old and upwards, led or driven, not exceeding three cents; for each head of neat cattle, six months old and upwards, not exceeding two cents; for each head of sheep or swine, not exceeding one cent.

Sec. 14. The board of directors of said company, or any agent by them lawfully authorized, shall have power to negotiate any loan or loans, not exceeding in amount one half of the amount of stock actually subscribed to said company, that may be by said company deemed expedient for carrying out any or all the objects contemplated by this act; and for the payment of such loans agreeable to the terms agreed upon, said company shall bind themselves by their bonds, which, when signed by the president and attested by the secretary, and duly ordered to be issued, shall be a valid lien upon all the stock and effects of said company, both real and personal, and shall be deemed and taken as pledged for the punctual payment of the interest on said bonds, and ultimate redemption of the principal.

Sec. 15. No person shall drag along or across said road any log, wood or timber, so that said log, wood or timber comes in contact with said road, when made of plank or timber, under a penalty not exceeding twice the amount of damage done, to be sued for and collected by said company for their own use.

Sec. 16. No tolls shall be exacted from any person or persons, while actually going to or returning from any religious meeting on the Sabbath, or from any legal voter going to or from any State, county or township election, by any toll gatherers within the township in which said voter may reside, or from any person or persons forming a funeral procession or returning from a burial.

Sec. 17. The toll gatherers at each and every gate, when erected on said road in pursuance of this act, may detain and prevent from passing such gate, any carriage or animal subject to toll, until the toll thereon is paid; and any person who shall wilfully break or injure any gate on such road, which may have been erected in pursuance of the provisions of this act, or shall injure said road, or bridges belonging to said road, in any way, or forcibly or fraudulently pass any such gate without having paid the legal toll, or to avoid the payment of the same, shall, with his team, carriage or animal, turn out said road, or pass any gate thereon or ground adjacent thereto, and again enter on such road, shall, for each offence, forfeit a sum not exceeding ten dollars, to be sued for and collected by said company for their own use.

Sec. 18. The corporation hereby created shall exist and be continued for and during the term of fifty years; but the legislature may at any time, when such company shall have violated the provisions of this act, have power to repeal such act; and this act may at any time be altered or amended at the request of two-thirds of the stockholders of said company.

Sec. 19. This act shall be in force from and after its passage, and taken and deemed a public act, and shall be liberally construed to effect the objects contemplated.

CHAPTER LXXXV.

An act to incorporate the town of Covington, in the county of Fountain.

[APPROVED FEBRUARY 7, 1851.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That such part of Troy township, in the county of Fountain, as is situate within the town of Covington, and the addition thereto which may now exist or be hereafter laid out and recorded, including all lots, streets, alleys, and public grounds therein, and also including the out-lots and canal, and all that portion of section thirty-five, in town twenty north, of range nine west, being west of said town of Covington and its additions, extending to the Wabash river and to the limit of the territorial jurisdiction of Fountain county

thereon, be, and the same is hereby erected into a town corporate, which shall be henceforth known and called by the name of "Covington."

SEC. 2. That for the better government of said town and the inhabitants thereof, there shall be elected one person to serve as recorder and one as treasurer, and also five trustees. The recorder shall be elected and hold his office for a period of three years and until his successor shall be duly chosen and qualified. The treasurer shall be elected and hold his office for a period of two years and until his successor is elected and qualified, and the trustees above mentioned for one year, and until their successors shall be elected and qualified. The marshal shall be appointed by the common council and hold his office for two years.

SEC. 3. No person shall be eligible to an office under this act unless he shall have resided within the limits of the corporation for one year next immediately preceding his election, and no person shall be qualified to vote at any such election unless in addition to his other qualifications as an elector at county elections he shall have resided within said corporation for six months immediately preceding the time of offering such vote: *Provided*, That nothing herein contained shall be so construed as to prevent any township or county officer from holding any office created by this charter.

SEC. 4. The first election under this act shall be held on the first Monday in March, 1851, and shall in all respects, so far as the same may be applicable, be held and conducted as township elections are held and conducted, and all elections thereafter shall be held at such time and place and conducted in such manner as the common council shall, from time to time, direct and appoint.

SEC. 5. It shall be the duty of the inspector and judges of the first election under this act after canvassing the votes to declare the person having the highest number of votes for each office, duly elected, and shall forthwith give a certificate thereof to each person so elected, and each of said persons so elected shall within five days after notice of his election take an oath or affirmation to support the constitution of the United States and of this state, and faithfully and impartially to discharge the duties of his office, which oath shall be endorsed upon the certificate of his election, and such certificate shall be *prima facie* evidence of the due election of such person.

SEC. 6. The recorder and trustees when so elected and qualified, as by this act is provided, are hereby created a body corporate and politic, by the name and style of the Common Council of Covington; and by that name shall have perpetual succession and be capable of contracting and being contracted with, of sueing and being sued, pleading and being impleaded, answering and being answered unto, in all the courts of law and equity. They shall be capable to buy, receive, hold and enjoy any estate, real or personal, for the use of the said town; and may receive deeds and other conveyances therefor, and the same to sell and convey at pleasure, and they shall have

power to adopt and use a common seal, and the same to alter or renew at pleasure, a description of which shall be entered upon their records from time to time as the same shall be rendered necessary.

SEC. 7. The common council shall meet on the first Tuesday in each month, and the recorder shall have power to call a meeting at any time it shall be necessary or at the request of any three of said trustees. The recorder shall preside at the meetings of the common council and keep order, and shall sign their proceedings, and when necessary seal the same with the seal of the corporation; and shall also sign and seal all licenses granted by the corporation for any purpose whatever; but he shall have no vote except a casting vote when the council are equally divided. The signature of the recorder and attestation under the corporate seal shall be *prima facie* evidence of the validity of all laws and ordinances of the corporation. Said common council shall audit and allow all claims against the town.

SEC. 8. A failure to hold any election under this act of the officers of this corporation, shall not be a forfeiture thereof, but such election shall be held at such other time as the common council shall appoint; and the common council may, in case of a vacancy in any office except that of recorder, fill the same by appointment until the next annual election. In case of vacancy in the office of recorder from any cause whatever, the same shall be filled by a special election to be held for that purpose at such time as the common council shall order.

SEC. 9. The common council shall appoint a clerk, a marshal, and a street commissioner, who shall each serve in their office for two years, and all such other officers as they shall find necessary to enable them to carry into effect the powers conferred by this act, and may prescribe the duties of all the officers of the corporation and by fines and penalties enforce the observance of the same; and alter the same from time to time as experience may suggest, not inconsistent with the provisions hereof. Before the treasurer, clerk, marshal, or street commissioner shall enter upon the duties of his office, they shall give bonds with good security to the acceptance of the common council in such penalty and such conditions as said common council shall prescribe, and it shall be the duty of said common council to require like bond and security from all officers by them appointed, any and all of which bonds shall be payable to the said common council, and any such bonds may be put in suit by any person, body corporate or politic, aggrieved by the official acts of such officers, subject to the same rules and governed by the same laws of procedure and evidence that the bonds of township officers are or may be governed.

SEC. 10. The compensation of no officer under this corporation shall be increased during their term of service unless upon a vote of two-thirds of the whole of the common council; and all compensation to said officers, except as herein fixed, shall be fixed by ordinances.

SEC. 11. Said common council shall have power to vacate, open and establish any street, alley, or road, in said town, and may, from good and sufficient cause, by a vote of two-thirds of their number, exempt any person or property from the payment of any tax or labor on the highways of said town. The said town as incorporated shall be one road district under the supervision of said street commissioner of said corporation who shall perform all the duties and sustain all the liabilities of a supervisor under the laws of the state of Indiana, and is hereby invested with like powers.

SEC. 12. Two-thirds of the common council shall have power to remove any officer under this incorporation for mal-feasance, or misfeasance, or habitual drunkenness, or other causes which shall in their judgment make such removal necessary and proper, and to fill all vacancies caused by any such removal except in the office of recorder: *Provided*, That no such removal shall take place until the officer shall have been furnished with a written statement of the causes of complaint against him and shall have an opportunity of being heard before the common council in his defense.

SEC. 13. The recorder before entering upon the duties of his office shall give bond and security for the faithful discharge of the duties of his office in all respects as is required of justices of the peace, which bond shall be taken, approved and filed, as is provided in cases of bonds given by justices of the peace, and may be put in suit from time to time, and recovery had thereon in like manner and under the same rules and regulations of bonds of justices of the peace.

SEC. 14. The recorder shall be a conservator of the peace within said town, and shall have and exercise all the power and authority, right, jurisdiction and immunities of a justice of the peace of Troy township, in said Fountain county, both civil and criminal, to be exercised within said town, and shall be authorized to direct any process by him issued to the marshal of said town, or to any constable of said township of Troy, who shall be bound to serve the same as constables are bound to serve and return like process; and said recorder shall be empowered upon view or upon information upon oath or affirmation of the violation of any penal law of said corporation to issue his warrant under his seal and cause the person charged with such violation to be brought before him, and to summon witnesses and jurors and to issue attachments therefor and hear and determine any and all such accusations and recognize the accused to appear before the circuit court to answer the charge, and in default of such recognizance, to commit him, her or them to the jail of the county, to impose fines and render judgments and award executions thereon, to recognize witnesses, allow and tax their fees, correct the fees of officers generally, to do all acts in the premises which a justice of the peace may do, to have his court, enforce his judgments, and have execution thereof; and when any person shall be convicted and adjudged by or before him of any offence against the laws of

this state or the laws and ordinances of said corporation, said recorder shall have power to impose a fine on such person, or to cause him to be imprisoned in the county jail, not exceeding thirty days, as may be provided by such ordinances of said common council, or by the laws of the State, and all judgments rendered by such recorder shall have the force and effect of judgments rendered by a justice of the peace, and may be enforced or replevied in like manner, and the said recorder shall be entitled to the same fees as a justice of the peace for similar services, to be taxed and collected in the same manner.

SEC. 15. The marshal, constables, jurors, witnesses, and all others rendering services, shall be entitled to the same fees for services in causes and trials before the recorder, that are now allowed or may hereafter be allowed for similar services before justices of the peace, and all process issued by the recorder for the violation of the laws and ordinances of the corporation, or of the laws of the State, may be served in any part of the county of Fountain, as also all subpœnas, venires, and attachments.

SEC. 16. The recorder shall keep a docket in which he shall enter the causes brought before him, and shall on request of either party and the payment of his fees, make and certify transcripts of his proceedings and judgments, which shall have the force and effect of transcripts from justices of the peace of their judgments and proceedings, and may in like manner be filed in the clerk's office of the circuit court, and shall bind lands, and proceedings in cases of transcripts from the judgments of justices of the peace, and an appeal in all cases (except from judgments confessed) shall be allowed to either party from the judgment of the recorder to the circuit court, subject to the provisions of the law regulating appeals from judgments of justices of the peace, and the trial by jury in said court shall remain inviolate in all cases when the amount in controversy, or the penalty that may be imprisonment, shall exceed twenty dollars, or where imprisonment for a violation of the laws or ordinances of the common council, may be imprisoned; or in cases where a jury shall be allowed by the laws of the state before a justice of the peace, in which case the jury shall fix the amount of the fine or penalty and the extent of the imprisonment, not inconsistent with the laws of the state and the by-laws and ordinances of the common council; and upon all such trials it shall be no legal objection to the recorder, marshal, constable, jurors, witnesses, or other persons, that they reside in said town, and may be subject to pay a tax, and all process shall run in the name of the state of Indiana and shall be signed by the recorder and sealed with the seal of the corporation, except *subpœnas* for witnesses and *venires* for juries.

SEC. 17. The common council shall be allowed the use of the jail of Fountain county, and all persons imprisoned therein, under the authority of this act, shall be under the charge of the keeper of the county jail, as if committed by a justice of the peace.

Sec. 18. All suits for the violation of the laws and ordinances of said town shall be brought in the name of the common council of Covington, before the recorder of said town. No bond given by any officer of said corporation shall be void for want of form or be satisfied on the first recovery, but may be put in suit from time to time by any party aggrieved by the official acts of such officers.

Sec. 19. No suit brought before the recorder shall be dismissed or delayed for the want of form in any pleading, cause of action or form of action; and amendments, and continuances shall be made and allowed by the recorder aforesaid upon such terms as he shall deem equitable; but no change of venue shall ever be taken or allowed from the recorder to or before any other justice of the peace of said Troy township, in any case arising under the ordinances or by-laws of said corporation.

Sec. 20. The election of recorder may be contested before the common council, and the election of all other officers before the recorder aforesaid by any qualified voter of said town, subject to the same rules of procedure that township officers are subject to so far as the same are applicable.

Sec. 21. It shall be the duty of the clerk to keep a record of the proceedings of the common council in a book to be provided for that purpose, and make and certify all transcripts and copies thereof when thereto required by any person interested; and shall record all laws with proof of publication thereof in a separate book which shall at all reasonable times be open to the inspection of all persons desirous of examining the same. He shall safely keep all the other books and papers of the corporation, and do and perform all other duties imposed upon him by the common council, and for his services shall receive such fees as shall be allowed him by said common council, which shall be paid at such times as they shall provide by law. He shall keep an account with the treasurer, and publish annually a list of receipts and expenditures of the corporation. He shall prepare and attest all licenses granted by the corporation; but they shall not have any force or effect until signed by the recorder and sealed with the corporation seal: *Provided, however*, That no license shall ever issue except the treasurer's receipt for the tax assessed thereon be first filed with the clerk. He shall have the power to administer all oaths necessary to the discharge of official duties or the transaction of the business of the corporation. In the absence of the recorder the clerk appointod by the trustees shall perform temporarily the duties of that office, except so far as the duties of said recorder as a justice of the peace may be concerned, and in case of the death, resignation, or removal of the recorder, he shall have the care and custody of the books and papers, and corporate seal, and other property of the corporation, until a successor to such recorder shall be chosen and qualified, to whom he shall upon demand forthwith deliver the same.

Sec. 22. The marshal shall have the power and authority, and

duties and liabilities of a constable of said township of Troy. It shall be his duty to attend in person, or by deputy, all meetings of the common council, and carry into effect all orders of the council, and to serve and return all process directed to him by the recorder, or any justice of the peace of Troy township, and to apprehend, upon view, without warrant, all violators of the laws of the State, and carry such offenders before the recorder, or in his absence, some justice of the peace, to be dealt with according to law; and in like manner apprehend and carry before the recorder all violators of the by-laws and ordinances of the said corporation, and to discharge such other duties relative to the police of the town as may be required of him by the common council, or be by them prescribed by law or ordinance. Nothing herein contained shall prevent the said common council from appointing said marshal street commissioner, or appointing the recorder as clerk of said corporation.

Sec. 23. It shall be the duty of the treasurer to collect and receive, and disburse on the orders of the common council, attested by the recorder and clerk, all moneys required to be collected by him, or which shall come to his hands by virtue of his office, and faithfully to account for the same in such manner and at such times as the common council shall prescribe.

Sec. 24. The common council, four of whom shall constitute a quorum to do business, shall and may, from time to time hold sessions of their body in said town, at such time and place as the recorder shall appoint, or as is established in and by this act, which meetings shall be public, and shall have full power and authority at such sessions, to pass and publish all such laws and ordinances as to them shall seem necessary relative to the regulation and improvement of streets, alleys, side-walks, roads and highways, raising, grading, turnpiking, planking, grubbing, or otherwise making and keeping the same in repair; to making, causing and requiring the owner or owners of in-lots to grade, gravel or plank, or otherwise improve the side-walks in front of his or their respective in-lots; and in case any such owner or owners refuse to comply with the ordinances, or refuse or neglect to make such improvements within the time specified, it shall be lawful for said trustees to order the said improvement made by the street commissioner, and assess the expense, together with any penalty to the owner of such property, which shall be a lien, and have the same force and effect, and shall be collected in the same manner as delinquent taxes, by the auditor of Fountain county, by said common council delivering him a certificate under the corporate seal, of such amount as shall remain unpaid; said common council shall also have power to establish and regulate markets—to regulate the inspection of flour, beef and pork, the sale of hay and wood, and the licensing and regulating of drays, hacks, omnibuses and other carriages carrying property or passengers for hire in the town; to regulate or restrain drunkards, vagrants, swine, sheep, cattle, horses or dogs running at large in the town; to regulate the planting of

trees for ornament or use, public or private, in the streets or public grounds; to cleansing of chimneys; to the safety of stoves and pipes; to preventing and extinguishing fires in the town, and to provide by ordinance for imposing reasonable fines and penalties upon all persons violating the laws and ordinances, as the said common council shall deem necessary and proper for the health, safety, convenience, quiet and good government of the town and the inhabitants thereof, not contrary to the laws of the United States or of this State; all of which laws and ordinances passed shall be kept by the clerk, and shall be published in a newspaper, if any be published in said town, or if there be none, then by being posted up at the court house door, after which publication the same shall be in full force, and so shall remain until repealed, amended or altered by the common council; and the oath of the clerk or recorder of said corporation, or the publisher of such newspaper, shall be *prima facie* proof of such publication.

Sec. 25. All the votes of the common council shall be given *viva voce*, and shall, when required by any two members, be entered upon the record of their proceedings.

Sec. 26. When any law or ordinance shall be passed by the common council, the clerk shall, without delay, enrol the same upon the records kept for that purpose, and shall also present the same, or a copy thereof for publication, as herein provided; and when so published, shall make and enter upon the records a statement of the time and manner of making such publication, under his hand and the corporation seal. It shall be lawful for said common council, when no satisfactory arrangement can be made for the publication of the proceedings, by-laws, or the ordinances, to post up printed or written notices of the same on the court house, or two other public places within said town.

Sec. 27. No by-law or ordinance levying money shall be passed but by a majority of the votes of the whole common council; and such votes shall be in ayes and noes entered on the journal of their proceedings. The refusal or neglect of any trustee to serve or attend the regular or called meetings of the common council, except in case of sickness or unavoidable absence, shall be deemed a sufficient cause for the said common council to declare the office vacant, and appoint his successor to fill such vacancy.

Sec. 28. The common council shall have power to levy and collect a tax or license-money on all concerts, theatres, shows, circuses, exhibitions, auctions, peddlers, and amusements within the corporation limits, and pass such laws and ordinances as may be necessary to govern and organize fire companies, to guard against fire; to regulate the duties and conduct of the inhabitants of said town in relation thereto; to regulate and govern markets, the sale and vending of foreign or domestic liquors, or any intoxicating drinks; to tax itinerant and transient auctioneers, of sales at auction of goods, wares or merchandize, or other property not belonging to any citizen of said

county. They shall have power in like manner to prevent the erection of, or keeping up public nuisances within said corporate limits, or within half a mile thereof, and to abate or remove the same, and to enforce, by proper penalties, the observance of all laws and ordinances relative to the police and government of said town, not inconsistent with the laws of this State: *Provided, always*, That nothing in this section shall be so construed as to authorize a tax or license upon any concert, show, exhibition or amusement not exhibited for gain, nor for any literary or scientific exhibition, if in the opinion of the recorder it shall be of that character. All rates of license shall be fixed by the common council, and for all violations of any law or ordinance regulating the same, suit shall be brought before the recorder in debt, as in other cases, and bail for the appearance of the non-residents of the county may be required, unless such person shall elect forthwith after service of process, to enter into trial.

Sec. 29. The limits of the said town shall be so extended as to embrace the common burying ground of said town of Covington, or any addition that shall be made thereunto, which shall be under the control of the common council, or of persons by them appointed; and all regulations and ordinances relating thereto shall be of binding force and effect.

Sec. 30. The common council shall have power annually, before the first Monday in May of each year, to assess a tax on real and personal estate, not exceeding one half of one per centum on its valuation, and a poll tax not exceeding one dollar on each qualified voter; and it is hereby made the duty of the recorder of said corporation to deliver to the county auditor of Fountain county a certified copy of the order of said board levying said tax, and also a list of the persons subject thereto, made out in such manner as the common council shall direct; and said county auditor of Fountain county shall thereupon enter upon his duplicate for the current year, in an appropriate column, the amount of tax assessed to each individual mentioned in the foregoing list, estimated by him according to the latest appraisement on file in his office, made and returned by the county assessor, and shall, as now required by law, deliver said duplicate to the treasurer of Fountain county, who is hereby constituted the collector of said corporation, under the same regulations and liabilities as are now required of him in the collection of the State and county revenue, and when collected, the money shall be by said treasurer paid over to the treasurer of said corporation, who shall give him a quietus therefor, and the lien for taxes shall attach, and sales of delinquent lands and town lots be made in the same manner, and at the same time as is now provided by law, or may hereafter be provided for State and county purposes: *Provided*, That the rate of assessment as herein provided may, at any time, be increased by a vote of the legal voters of said corporation, at such times as the council may direct.

Sec. 31. The said town of Covington shall be divided into five

wards, according to the order of the board of common council, when lawfully organized, after the first election; but no person shall be eligible to the office of trustee who is not a resident of said town and of the ward he is elected to represent, being also a qualified voter of the county of Fountain.

Sec. 32. It shall not be lawful for any person or persons within the corporate limits of said town to sell by less quantity than ten gallons at a time any spirituous liquors, foreign or domestic, or any intoxicating beverage until he or they shall have obtained in addition to the license from the board doing county business, a license from the common council, which is hereby authorized to grant the same to such applicant for one year, under such regulations and restrictions as the said common council may impose on such vender, upon his, her or them paying into the treasury of the corporation a sum not less than ten dollars, nor exceeding one hundred dollars, at the discretion of the common council; and every person or persons contravening or violating the provisions of this section, or any ordinance, by-law or regulation thereto, shall forfeit and pay for every such offence, not less than ten nor exceeding one hundred dollars, to be recovered in an action of debt before the recorder of said town, for the benefit of said corporation; and for the better regulation of said town, the common council is hereby authorized to pass and adopt laws and ordinances for the suppression of immorality, gambling, intoxication, rioting, or whatever in any way may detract from the peace, quiet and good order of society.

Sec. 33. The corporation of the town shall have exclusive jurisdiction over all streets, roads and alleys, for the purpose of vacating or opening the same; and it shall be the duty of the common council to provide for the opening and keeping the streets and alleys aforesaid in repair, and for grading the same; it shall be the duty of the street commissioner to obey all such by-laws and ordinances, and to keep said streets, roads and alleys in as good repair as the means in his power will enable him; and all funds raised for road purposes in said town shall be expended by him under the order and discretion of the common council.

Sec. 34. Each able bodied male citizen, of the age of twenty-one years, and under fifty, who shall reside in said town one month before the time of assessing the taxes, shall pay a road tax of one dollar to the street commissioner, to be applied to the streets, alleys and roads of said town, which may be discharged by two days' work under the direction of said street commissioner, who is hereby authorized and empowered to collect the same by [the] same process of law as is conferred by the laws of this State on supervisors.

Sec. 35. The corporation of said town of Covington shall have power to build and maintain a wharf or public landing on the Wabash river, within the corporate limits of said town, and to regulate the landing of steam or flat boats thereto; and shall also have the same power to license, regulate and control ferries across said river

within the corporate limits of said town as has been heretofore exercised by the board of county commissioners of Fountain county, and for that purpose the same power is conferred on said common council under the same regulations as on the board of county commissioners, by the laws of this State.

Sec. 36. This act shall be a public act, and shall be liberally and beneficially construed, and shall be in force from and after its passage.

CHAPTER LXXXVI.

An act to incorporate the Wabash and Marion Plank Road Company.

[APPROVED FEBRUARY 14, 1851.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Benoni G. Hogan, Samuel McClure, Jacob Smith, and William Hendrix, of Grant county; and Jacob L. Saylors, Hiram Kendle, William B. McKay, Thomas McKibbin, and James D. Conner, of Wabash county, be, and they are hereby appointed commissioners to open books at suitable places in the State of Indiana for subscriptions to the capital stock of a company for the construction of a plank road from the town of Wabash, in the county of Wabash and State of Indiana, to the town of Marion, in the county of Grant, in said State, to be called the "Wabash and Marion Plank Road Company," at any time within one year from the passage of this act: *Provided*, Said commissioners, or any three of them, shall give twenty days' notice of the time and place of opening said books by publishing in one or more newspapers published nearest the contemplated line of said road.

Sec. 2. Said commissioners shall determine at what point or points books shall be opened and the length of time they shall be continued open at each point for subscription of stock to said company.

Sec. 3. The stock of said company may consist of money, labor, materials, or such other property, either real or personal, as may be agreed upon by the commissioners, or the board of directors after being elected; and whenever six thousand dollars shall have been subscribed as stock in said company it shall be their duty to

order an election for directors of said company, to be held at some convenient place at Ashland, in Wabash county, at such time as they shall designate, giving at least twenty days' notice thereof in one or more newspapers published near the line of said road.

SEC. 4. All subscriptions to the stock of said company, other than cash, shall be received only at such valuation as shall be affixed thereto by three disinterested appraisers to be appointed by the directors of said company.

SEC. 5. Said commissioners, or a majority of them, shall attend said election and conduct the same by opening a poll and receiving votes, between the hours of ten o'clock A. M., and four o'clock P. M., of said day; and after the voting shall have been closed they shall immediately open and count the ballots and shall disclose the number of votes cast, the number of votes received by each individual voted for, and declare those to have been duly elected directors who shall have received the highest number of votes.

SEC. 6. The directors of said company shall be seven in number, four of whom shall constitute a quorum for the transaction of business; all vacancies occurring in said board shall be filled by a majority of said directors, and the persons appointed by said board shall serve until a new board shall be chosen and qualified: *Provided, however*, That no person shall be eligible to hold the office of director who is not a stockholder in said company; and every director thus chosen shall serve as such until his successor is chosen and qualified.

SEC. 7. At all elections for directors each stockholder shall be entitled to vote as follows: For each share not over twenty, one vote; and for each two shares over twenty, one vote: *Provided*, No stockholder shall be entitled to more than thirty votes; and such votes shall be cast in person or by proxy appointed in writing and signed by said stockholder, and no stockholder shall be entitled to vote after the first election unless the stock by which he claims to vote shall have been held by him at least three months prior to such election; and no officer of said company shall vote at any election of directors as agent, attorney, or proxy of any stockholder.

SEC. 8. The board of directors first chosen according to the provisions of this act shall meet at such time and place as a majority of the commissioners aforesaid may designate, whose duty it shall be to give said directors notice thereof within ten days after such election, at which meeting it shall be the duty of said directors to appoint one of their number president of said board; and they shall also appoint a secretary and treasurer of said company whose duties, terms of service, and compensation, shall, from time to time, be regulated by the board.

SEC. 9. Said board of directors shall, at their first or some subsequent meeting, fix the time for their next annual election of directors, not more than one year from the time of said meeting; and all subsequent elections for directors shall be held annually thereafter, and conducted in such manner as the board may prescribe.

SEC. 10. One month's notice for the election of directors at each annual election shall be given by the publication thereof in one or more newspapers near the line of said road.

SEC. 11. Each board of directors shall continue in office for the term of one year, and until a new board are chosen and qualified; and in case any annual election shall not be held on the proper day for holding the same, it shall be held at some early day thereafter, to be fixed and appointed by the directors then in office, giving the same notice thereof as required to be given for elections regularly held.

SEC. 12. The aforesaid commissioners, as soon as the first board of directors of said company shall have been organized, or within ten days thereafter, shall deliver over to said board the subscription books of stock and shall pay over to the order of said board all moneys or property received by them on such subscription, and in case any one or more of said commissioners shall fail, neglect, or refuse to do so, or shall have destroyed or cancelled [concealed] any of said books with intent to defraud said company or any stockholder or stockholders thereof, such commissioner or commissioners so offending shall, upon conviction thereof, by presentment or indictment, be fined in any sum not exceeding two thousand dollars, and be imprisoned at hard labor in the state prison for a term of time not exceeding ten years nor less than one year.

SEC. 13. The board of directors of said company shall have power to supply vacancies in the offices of president, secretary, and treasurer of said company, and to meet from time to time as often as may be thought expedient; to adjourn from time to time as they may think necessary; to adopt and establish such rules and regulations, and make by-laws not inconsistent with the laws of this State, as in their judgment the business of the company may require, and as are necessary for the better organization of the company, and to enable them to do and perform their duties and carry out the designs of the powers granted by this act, and alter and amend at pleasure any by-law of said company, as the said board may [deem] necessary; to appoint all subordinate officers, engineers, agents and workmen that may be necessary to carry out the objects of said company; to demand, at such time and in such proportion as they shall see fit, the sums of money or subscriptions in labor or materials due by the stockholders on their respective subscriptions of stock, under pain of forfeiture to the company of the shares of their stock, and all previous payments thereon, or such other penalty as may be prescribed by the by-laws of said company, or to sue therefor and recover the amount due in an action of debt or assumpsit, in any court of competent jurisdiction; to issue proper certificates of stock to the

stockholders, and to determine in what manner and under what restrictions the shares of stock shall be transferable; to fix the compensation and prescribe the duties of the several officers and agents in the employ of the company; to require such bonds, obligations and securities from the treasurer, secretary and other officers of the company as may [be] deemed necessary; to open and continue open as long as necessary, books for the subscription of stock in said company; to acquire, purchase, sell, lease, mortgage and dispose of real estate for the use of the company; to establish and construct toll houses, offices, mills, and all necessary structures, fixtures, machinery and apparatus for building and keeping in good repair said plank road; to order and cause to be made all estimates, surveys and lettings of work at such times and places as they may determine; to prescribe such form of contracts, rules, regulations and specifications for the performance of work as they may judge proper; to make and continue, and keep in constant repair, said road; to make and declare dividends of profits and income of said road and its appurtenances, mills, and such other sources of income as said company may have, among the stockholders, at such times as they may deem expedient, and do all other necessary and proper acts in accordance with the provisions of this act, according to its true intent and meaning.

Sec. 14. The said directors, when elected, and their successors in office, are hereby constituted a body corporate and politic, by the name and style of "the President and Directors of the Wabash and Marion Plank Road Company," and by such name may sue and be sued, plead and be impleaded, answer and be answered unto, either in law or equity, in any court of competent jurisdiction within this State, and may make or adopt a common seal, and the same to alter at pleasure.

Sec. 15. The capital stock of said company may be thirty-five thousand dollars, which may be increased at the pleasure of said company, to any amount not exceeding one hundred thousand dollars, that may be deemed necessary to carry into effect the legitimate objects of said company; and said stock shall be deemed personal property.

Sec. 16. Said stock shall be divided into shares of twenty-five dollars each, and may be taken by any individual, corporation or company, to be paid for, and at such times as provided for in sections three and thirteen of this act; the payments being equal *pro rata* upon all the stockholders.

Sec. 17. The said company shall have power, and they are hereby authorized to survey and locate a road from the town of Wabash, in the county of Wabash, to the town of Marion in the county of Grant, on such route as they may designate, and shall be authorized and empowered to enter upon any highway or public road, and appropriate the same to the construction of said plank road, having

first procured the consent of the proper board of county commissioners thereto, who are hereby authorized to grant the same by an order of their board, and such highway or public road, or such part thereof as may be [so] occupied, shall thereupon become, to all intents and purposes, the property of said company. Said company may take conveyances or releases of all the necessary lands over which said road may be located; and any such releases may be executed by any infant, *feme covert*, guardian, administrator or executor, and shall be as valid and effectual in law as if such person or party so executing the same were of full age, sold or had done the same personally; and any such release executed by any guardian, executor or administrator, if approved of by the proper probate court, shall bind the heirs estates, creditors, legatees and devisees thereof.

Sec. 18. For the purpose of locating and constructing said road, it shall be lawful for said company, by their agents or persons in their employ, to enter upon any lands to make surveys [and] estimates, and to take from the land occupied by said road, any stone, gravel, timber or other materials necessary to construct said road, and the bridges thereon.

Sec. 19. If any person or persons owning lands upon which said road may be located, shall refuse to relinquish the same for the use thereof, and no satisfactory contract can be made with such owner by said company therefor, it shall be lawful for said company to give notice to some justice of the peace of the proper county, who shall thereupon summon the owner of said land, if a resident of the county, to appear before him on a day to be named, and within ten days thereof, and if the parties cannot agree, said justice shall issue a venire for three disinterested, discreet men, of the same county, whom he shall select as arbitrators, and such arbitrators, after taking an oath or affirmation faithfully and impartially to assess the damages, if any, to any such lands, shall view the lands on which such damages are claimed, and shall determine the same, duly considering the advantages and disadvantages of said road to said owner, and shall make report thereof to such justice of the peace, who thereupon shall enter judgment upon such finding, from which either party may appeal to the proper circuit court; but no such appeal shall stay the progress or proceedings of the company in opening and constructing such road on said lands.

Sec. 20. If the owner named in the preceding section be a minor or insane person, or non-resident of the county, said justice of the peace shall cause three notices to be posted up in the township in which said land lies, giving notice of the time and place of such arbitration and assessment, and if no person appear, he shall appoint some disinterested person to act on behalf of such absentee, minor or insane person, and then proceed as in other cases. Costs shall be awarded by said arbitrators.

Sec. 21. In case said company shall require for the use of said road, any stone, gravel, timber or other material from the lands of

any person or persons adjoining to or near said road, and said company cannot contract with the owner for the same, said company may proceed in like manner and have the value of any [such] materials assessed, as is prescribed in the twenty and twenty-first sections, except as to estimating the advantages of said road; and in any such case of lands and materials, said company may take possession of, and use the same immediately, upon having paid the justice of the peace, for the use of the owner of such lands or materials, the sum, if any, which may have been assessed therefor, notwithstanding any appeal which may be pending in the matter.

Sec. 22. If any person or persons, body politic or corporate, upon whose land said road may be located and constructed, shall not, within six months after such road is completed upon said lands, demand of said company payment or damages for the lands so taken or occupied, such person or persons, body politic or corporate, and all persons claiming by, through or under them, shall be forever barred from asserting or sustaining any action to recover said land or damages on account of the appropriation thereof.

Sec. 23. The track of said road shall be constructed of plank, timber, gravel or other hard material, so that the same shall form a hard, smooth and even surface. The particular manner of building said road shall be determined by the directors of said company.

Sec. 24. The said road shall be commenced within one year from the passage of this act, and be completed within ten years thereafter.

Sec. 25. Whenever five consecutive miles of said road shall have been completed, the directors of said company may erect toll gates at such points and at such distances from each other as they may deem proper, and exact tolls from all persons traveling on said road not exceeding the following rates: For every sled, sleigh, carriage or vehicle drawn by one animal, two cents per mile, and for every animal in addition thereto, one half cent per mile; and for every horse and rider, or led horse, one cent per mile; and for every score of neat cattle, mules or asses, five cents per mile, and the same rate last specified for any animals not herein mentioned.

Sec. 26. The board [of] directors of said company, or any agent by them lawfully authorized, shall have power to negotiate any loan or loans, not exceeding in amount one half of the amount of stock actually subscribed to said company, that may be by said company deemed expedient for carrying out any or all the objects contemplated by this act; and for the payment of such loans agreeably to the terms agreed upon, said company shall bind themselves by their bonds, which, when signed by the president, and attested by the secretary, and duly ordered to be issued, shall be a valid lien upon all stock and effects of said company, in the order of their issue; and all the effects of said company, both real and personal, shall be deemed and taken as pledged for the punctual payment of the interest on said bonds, and the ultimate redemption of the principal.

Sec. 27. No person shall drag along or across said road any log or timber, so that said log or timber comes in contact with said road, where made of plank or timber, under a penalty not exceeding twice the amount of damage done, to be sued for and collected by said company for their own use.

Sec. 28. No tolls shall be exacted of any person or persons, while actually going to or returning from militia mustering, from any religious meeting on the Sabbath, or from any legal voter going to or from any State, county or township election, by any toll-gatherer within the township in which said voter may reside, or from any person or persons forming a funeral procession, or returning from a burial.

Sec. 29. The toll gatherers at each and any gate when erected on said road in pursuance of this act, may detain and prevent from passing such gate any carriage or animal subject to toll until the toll thereon is paid.

Sec. 30. Any person who shall wilfully break or injure any gate on such road, which may have been erected in pursuance of the provisions of this act, or shall injure said road or bridges belonging to said road in any way, or forcibly or fraudulently pass any such gate without having paid the legal toll, or to avoid the payment of the legal toll, shall, with his team, carriage or animal turn out of the said road, or pass any gate thereon, on ground adjacent thereto, and again enter on such road, shall, for each offence, forfeit a sum not exceeding ten dollars, to be sued for and collected by said company for their own use.

Sec. 31. The corporation hereby created shall exist, be and remain perpetual: *Provided, however*, The legislature may, at any time when said corporation shall have violated any of the provisions of this act, have power to repeal said act; and this act may at any time be altered or amended at the request of two-thirds [of] the stockholders of said company.

Sec. 32. This act shall be in force from and after its passage, and taken and deemed a public act, and shall be liberally construed to effect the objects; and the president and directors of said company shall be individually liable for all debts by them contracted exceeding the amount of solvent stock subscribed at the time.

Sec. 33. *Be it further enacted*, That said company may, and they are hereby authorized and empowered, if deemed by them expedient so to do, to intersect "the Lagro, Marion and Jonesborough Plank Road," at any point at or between America, in Wabash county, and Marion, in Grant county: *Provided, however*, That the president and directors of the Lagro, Marion and Jonesborough Plank Road Company do consent thereto in writing, which consent they are hereby authorized and empowered to give; [and] in case said companies mutually agree to such intersection, the same may be done upon such terms and conditions, and under such rules and

regulations, as said companies may mutually agree, not inconsistent with their respective charters; and upon such intersection, and upon the completion of the Wabash and Marion Plank Road to such point of intersection, and upon the completion of the Lagro, Marion and Jonesborough Plank Road from such point of intersection, to the town of Marion, the road contemplated by this act shall be taken and deemed to be completed: *Provided*, That nothing in this act shall be so construed as to authorize said company in any manner to interfere with the rights, privileges and immunities of the Lagro, Marion and Jonesborough Plank Road Company.

SEC. 34. Any person or persons taking stock in the Wabash and Marion Plank road Company, at the time he subscribes therefor, at any time previous to the survey and location thereof, may, and he is hereby authorized to subscribe for the same conditionally, to be paid if said road is intersected as in the preceding section provided or specified, or not to be paid if said road is not so intersected as aforesaid, as the person subscribing may at his option designate; and the company or commissioners shall adopt such words as will clearly convey the intention of the person or persons taking such stock at or before any such person or persons may take the same; but any person or persons who may subscribe or take stock in said company, who shall not at the time of subscribing for the same, attach such conditions thereto, shall be deemed and taken to have subscribed therefor absolutely and unconditionally.

SEC. 35. Any person or persons subscribing for or taking stock in said company upon either condition mentioned in the last preceding section, shall not be required by said company to pay the same or any part thereof, unless said road is located in accordance with the conditions respectively annexed thereto; and unless [when] said road is so located, the stock so taken shall be deemed and taken to be held absolute, and without any condition or reservation whatever.

SEC. 36. The provisions of the last two preceding sections shall not, in any manner whatever, apply to any person or persons subscribing or taking stock in said company, unless such person or persons shall, at the time of taking or subscribing for such stock, annex a condition thereto, in accordance with the conditions mentioned in section thirty-four of this act.

CHAPTER LXXXVII.

An act to incorporate the Laporte Male and Female Seminary.

[APPROVED FEBRUARY 5, 1851.]

WHEREAS, It has been represented to the General Assembly of the State of Indiana, That the North Indiana Annual Conference of the Methodist Episcopal Church have determined upon establishing an extensive seminary of learning for males and females in this State, to the support of which they are pledged to use their united efforts; and which seminary is forever to be conducted on the most liberal principles, accessible to all religious denominations, and designed for the benefit of our citizens in general;

AND WHEREAS, It has been represented that in consequence of liberal propositions made by the people of Laporte and its vicinity, the healthfulness of the situation, and the eligibility of the location for the convenience of a public institution, the North Indiana Conference have selected that place for the establishment of said seminary;

AND WHEREAS, Such a seminary in that part of the State of Indiana, if conducted upon liberal and enlightened principles, would be of great benefit to our citizens generally in that vicinity, by disseminating knowledge and useful literature; Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That a seminary of learning shall be, and the same hereby is established in the town or vicinity of Laporte, in Laporte county and State of Indiana, to be known by the name and style of the Laporte Male and Female Seminary, which shall be founded and maintained forever upon a plan the most suitable for the youth of every class of citizens and of every religious denomination, who shall be freely admitted to equal advantages and privileges of education and to all the literary honors of said seminary, according to their merit, under the direction of fifteen trustees, to-wit: William J. Walker, Samuel Organ, David G. Rose, Edmund B. Woodson, and Thomas W. Sales, John B. Fravel, John Walton, Jacob R. Hall, Leonard Wood, William B. Gustin, F. R. Tutt, Samuel C. Sample, Alfred Stephens, Christopher McClure, and G. Z. Salyer, who, with their successors, shall be trustees of said seminary, and shall hold their first meeting at the place of its location, on the 2d Wednesday in June, 1851.

SEC. 2. That the said trustees and their successors, by the name of the Trustees of the Laporte Male and Female Seminary, shall be a body politic and corporate, and as such forever to exist; and are

hereby made capable in law to have, possess, purchase, receive, enjoy, and retain, hold or dispose of, for the use of said seminary, lands, tenements, and annuities, and other hereditaments in fee simple, or for a term of years, life, lives, or otherwise; and also money, bonds, bills, notes, goods, chattels, interests of whatsoever nature, quality or kind soever, by the gift, bargain, sale or devise of any person or persons, body politic or corporate, capable of making the same, and the same to grant, demise, sell, alien, or confirm in such manner as they shall judge most conducive to the interests of said seminary. This corporation shall not hold a greater amount of real estate (exclusive of the site for the seminary and the edifices thereon) than the value of fifty thousand dollars.

Sec. 3. That the said trustees and their successors, by the name and style of "The Trustees of the Laporte Male and Female Seminary," as aforesaid, shall be capable in law to sue and be sued, plead and be impleaded, in any court or courts of record, before any judge, justice or justices within this State or elsewhere, in all manner of suits, pleas, complaints, causes, matters, and demands, of whatsoever kind, nature, or form they may be, and all and every matter, nature, and thing therein to do, in as full and effectual a manner as any person or persons, body politic or corporate, of like nature, within this State may or can do.

Sec. 4. That the said board of trustees are hereby authorized and empowered, and it is hereby made their duty, at their first regual meeting, so to classify the members thereof into three divisions that one third of the board shall go out of office each year; and shall determine by lot what members thereof shall belong to each of said classes.

Sec. 5. That the North Indiana Annual Conference or such other conference or conferences as may be formed out of the same, by the consent of the said North Indiana Annual Conference, shall fill vacancies in the board of trustees as may occur by the expiration of the term of office of any member or members thereof by death, resignation or otherwise, at the first meeting of such conference [or conferences,] after any vacancy may happen, thus keeping up the full number of fifteen trustees forever. And the said first named conference or such other conference as may be associated with it by its assent, shall annually appoint any number of visitors not exceeding five, who, or so many as shall convene with the board of trustees, shall constitute a joint board in the permanent appointment of all officers of said seminary; and whenever a majority of all the trustees shall declare any of their body incompetent for the want of moral character, the board of trustees shall declare his seat vacant, and shall thereafter make a temporary appointment to fill the vacancy until the meeting of the next annual conference, which shall then fill the same as aforesaid; and the visitors, or so many of them as shall act, shall report to the conference

next succeeding their appointment the condition of the seminary and whether it is conducted in conformity with its charter; and at the time of the admission of any conference to the participation in the appointments aforesaid, the North Indiana Annual Conference and such other conference as it may assent to associate with, shall divide the appointing power of visitors and trustees in such manner as they may mutually agree upon.

Sec. 6. That the said trustees of the Laporte Male and Female Seminary, before entering upon the trusts reposed in them, shall severally take the following oath of office, to be administered to them by any justice of the peace in the State of Indiana; that is to say: "I, (A. B.,) do solemnly swear (or affirm) that I will to the best of my skill and judgment faithfully and truly discharge the duties of a trustee to the Laporte Male and Female Seminary, pursuant to the laws and constitution of the State of Indiana, the constitution of the United States, and the charter granted by the State of Indiana establishing said seminary, without favor, affection, or partiality, so help me God," (or under the pains and penalties of perjury;) and the said trustees shall have power to appoint annually a president of the board, two vice presidents, a secretary, and treasurer; the treasurer so appointed shall give bond with such security and in such penalty as the trustees shall think proper, payable to the State of Indiana for the use of said seminary, which bond shall, by the treasurer and his securities, be acknowledged before the clerk of the circuit court of Laporte county, and by him certified and recorded; a copy of which shall be evidence in any suit against such treasurer and his securities for a breach thereof; and it shall be conditioned, that for the true and faithful discharge of his duty as treasurer of said seminary and for the safe keeping of all moneys, bonds, deeds, mortgages, trusts, or other property belonging to the institution, or which shall be put into, for from time to time come into his hands; which bond may be renewed whenever the said trustees may require it; and it shall be the duty of said treasurer to receive and safely keep all moneys, notes, bonds, obligations, or conveyances of real, personal, or mixed property belonging to said seminary, and shall not pay out any of said moneys except upon the order of the president or one of the vice presidents, countersigned by the secretary of the board of trustees; and for any breach of said bond the treasurer and securities may be proceeded against as in other official bonds in the proper courts of the State of Indiana; the said treasurer shall, moreover, once in every year, and as much oftener as the trustees may require, render to them an account of all moneys in his hands, all moneys by him paid out, stating from whom and what source received, and to whom paid; and in case the treasurer shall fail or refuse to perform any of the duties required of him by this act, the trustees of said seminary shall have power to declare his office

vacant and proceed to the election of a treasurer to fill the vacancy; and it shall be the duty of every treasurer on leaving the office by removal, resignation or otherwise upon the order of the board, signed and countersigned as aforesaid, to pay and deliver over all moneys and other property in his hands belonging to said seminary into the hands of his successsor in office; and it shall be the duty of the secretary to keep a fair record of all the proceedings of the board of trustees and at the close of every session lay them before the president for his signature and so do and perform all other acts which by this charter may be required of him; and it shall be the duty of the president of the board to preside in all their meetings when present, and to perform all the duties usually performed by presiding officers in all similar bodies; and in the absence of the president, one of the vice presidents shall perform the duties aforesaid; and in case of their absence at the time of any meeting of the board, it shall be the duty of the trustees to appoint a president *pro tem.*

Sec. 7. That the said trustees and their successors shall have authority to make and to use a common seal with such devices and inscriptions as they shall think proper and the same to change, alter or amend at pleasure, and shall also at any regular meeting of the board, when one or more of the regular visitors shall be present, from time to time forever hereafter, have full power and authority to constitute and appoint permanently, in such a manner as they may deem expedient, a president of the seminary together with such professors and other instructors as may at any time be necessary to form an efficient faculty for the proper instruction of students in the arts and sciences and in all the necessary, useful and ornamental branches of a thorough and liberal education, such as is taught in the best seminaries; and the said president and professors, with such other instructors and instructresses as may by the trustees be included, shall be known and distinguished by the name of the Faculty of the Laporte Male and Female Seminary, and in that name shall be capable of exercising such powers and authorities, rights and privileges in the constitution [institution] as shall be delegated to them according to the by-laws enacted by the trustees; and the said board of trustees may at any meeting make a temporary appointment of any of the foregoing faculty, in the absence of such visitor or visitors, until a regular meeting at which one or more of the visitors may be present, and the majority of the said trustees together with a majority of the said visitors may at any time in joint meeting, by resolution to that effect, declare the appointment or office of any of the faculty, instructors or instructresses, vacant, and proceed to fill such vacancies at such joint meeting or any future meeting which they may designate.

Sec. 8. That the said trustees and their successors in office shall meet at least once in every year in a stated annual meeting, appointed by their own ordinances, and at such other times as by

their said ordinances they shall direct, for the purpose of transacting such business for the purpose and welfare of the institution as may come before them, in all of which meetings five trustees being present shall constitute a quorum for transacting business; but a majority of said trustees shall be required to make, pass and establish ordinances, rules, and by-laws, not contrary to the constitution and laws of this State, for the government of said seminary and the proper education of its pupils, and by them to delegate to the president, professors, and other instructors and instructresses, such power and powers and authorities as they may judge expedient for the government of the institution; and the said majority of trustees shall also have power at any legal meeting so to alter or amend any rules or regulations by them established, and to do all matters and things which they may deem expedient for the faithful fulfilment of their trusts.

Sec. 9. That the said trustees and their successors in office shall have authority, whenever in their opinion the funds of the institution will justify the measure, to admit gratuitously, in whole or in part as the respective cases may require, such person or persons as they may think proper to enjoy the benefits of tuition in said seminary; and said trustees are hereby authorized to receive subscriptions, donations, and bequests, (either in money, personal, real, or mixed property,) for the purpose of enabling them to meet the expenditures requisite in establishing and continuing said institution.

Sec. 10. That for the purpose of stimulating and encouraging the pupils in their progress and promoting the general interests of the institution, the said trustees and faculty shall have full power and authority, once in every year or oftener as they by an ordinance shall direct, to hold a public commencement with exercises suited to the occasion. It shall also be the duty of the faculty prior to each commencement to hold a public examination in presence of such trustees as may be able to attend and of other citizens, at which time all the pupils of said seminary shall be examined in the several branches of learning which they have respectively studied, that the fidelity of the teachers and the diligence of their pupils may appear. It shall also be the duty of the faculty to furnish those pupils whom they shall deem worthy thereof certificates of acquirements signed by the president of the seminary.

Sec. 11. This act is hereby declared to be a public act and shall be construed liberally for every beneficial purpose hereby intended, and no omission to use any of the privileges hereby granted shall cause a forfeiture of the same; nor shall any gift, grant, conveyance, or devise to, or for the benefit of the corporation be defeated or prejudiced by any misnomer, misdescription, or informality whatsoever: *Provided*, That the institution [intention] of the parties can be shown or ascertained beyond doubt.

Sec. 12. The State hereby reserves the right after the session of the legislature for the year 1860 and one, and 1861 and 2, and every tenth

session after either of those sessions, to alter or amend the charter: *Provided, however*, That no amendment shall ever be made to change the fundamental principles upon which this seminary is established.

SEC. 13. And the said trustees and their successors are hereby authorized and empowered to adopt, ratify, and confirm all such acts and contracts not inconsistent with the provisions of this charter, as have been done or made by the said trustees named herein, or a majority of them, prior to the passage of this act, in the name and character of the trustees of the Laporte Male and Female Seminary; and when so adopted, ratified, and confirmed, the said acts and contracts of the said persons above named, or a majority of them in their said name and character of trustees as aforesaid, shall become and be as binding to all intents and purposes upon the said trustees hereby created, and all of the parties thereto, as if the same had been done, made or entered into by said trustees in their name and character of trustees, after the passage of this act.

SEC. 14. This act to take effect and be in force from and after its publication in the Laporte County Whig, published in Laporte, Indiana.

CHAPTER LXXXVIII.

An Act to amend an Act entitled "an Act to incorporate the Hamilton Manufacturing Company," approved January 15, 1850.

[APPROVED FEBRUARY 6, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the 15th section of said Act be so amended that no stockholder of the said company shall be liable in his individual capacity, for the payment of more of the debts of the same than the amount of stock he may own.

SEC. 2. This Act shall be in force from and after its passage.

CHAPTER LXXXIX.

An Act to incorporate the Newport and Winchester Plank Road Company.

[APPROVED FEBRUARY 10, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Thomas W. Reese, Robert Irwin, Abel Hinshaw, William Beard, Nathan Hinshaw, David Willcuts, and James Moorman, and their successors in office, duly elected as hereinafter directed, are hereby constituted a body corporate and politic, and by the name and style of the President and Directors of the Newport and Winchester Plank Road Company, shall be able and capable in law and equity, to sue and be sued, plead and be impleaded, defend and be defended against, answer and be answered unto, in any and all courts of competent jurisdiction; to make and use a common seal, and the same to change at pleasure, and shall be able and capable in law to make contracts and enforce the same, and to make and enforce the necessary by-laws and regulations, to enable them to carry into effect the provisions of this act, and the objects contemplated by the same, not inconsistent with the laws and constitution of this State.

SEC. 2. The stockholders shall have power to make any part of the said road of gravel, when it will be to their interest.

SEC. 3. The capital stock of said company shall not exceed fifty thousand dollars, divided into shares of twenty-five dollars each, and shall be applied to the construction of a plank road, (or where it shall be deemed to the interest of the company by the stockholders, of gravel,) commencing at Newport and running to Winchester, direct from Newport to Hopewell meeting house, and then north on the state road, by the town of Lynn, near to White River, and then the most practicable direct course to Winchester; and the State of Indiana hereby relinquishes to said Newport and Winchester Plank Road Company, all the rights and interests, and claims in and to the line of the said state road in the counties of Wayne and Randolph.

SEC. 4. The persons in the first section of this act named, shall be the directors of said company until others are elected and qualified as hereinafter directed, and said first named directors, or a majority of them, shall meet in Lynn, in Randolph county, at such time as may be agreed upon by a majority of said directors, and at such meeting shall organize said corporation by selecting one of their body president, a secretary, and a treasurer, and after such organization, any four of said board shall be a quorum to transact business.

SEC. 5. The corporation shall have power to appoint agents, clerks, surveyors, engineers, superintendents, and other officers proper and necessary to carry into effect this act; they shall keep a jour-

nal of their proceedings, in which shall be entered all by-laws and regulations, and all orders for payments of such sums of money as may be allowed to their officers, and all others in their employ. The minutes of their proceedings shall be signed by their president; they may sit on their own adjournments, or on the call of the president; when the president is absent they may appoint a president *pro tempore*, and they shall fill all vacancies happening in their body, and may require their officers to enter into bond and security for the faithful performance of their duties.

Sec. 6. The corporation may cause books to be opened for subscription to the stock of said company, at such times and places as they may choose, and notice thereof being sufficiently given by advertising in said counties, and said company may receive subscriptions of stock in money or labor, or in any way as may to them seem proper, and said subscriptions of stock shall be paid in such instalments, and at such times as the board shall deem expedient, but notice of the demand for the payment of any and all instalments, shall be sufficiently advertised at least three weeks previous to the day instalments are made payable.

Sec. 7. It shall be lawful for all persons of lawful age, or for the agent of any corporation to subscribe for any amount of stock in said company, under such rules as may be prescribed by the board of directors.

Sec. 8. As soon as one hundred shares are subscribed for, it shall be the duty of the board of directors to give three weeks' notice thereof, and in such notice appoint a time and place for the stockholders to meet and elect seven directors, who shall be stockholders, and citizens of Wayne and Randolph counties, which election shall be by ballot, and conducted under the supervision of one inspector, and two judges, appointed by the stockholders present, and the persons having the highest number of votes shall be declared duly elected, and in all elections each share shall entitle the holder to one vote; such vote to be given by the person holding the same, or by the husband, father, mother, guardian, trustee, executor, administrator, proxy or by agent of any such share-holder, or by the agent or proxy of any corporation.

Sec. 9. The directors elected as above prescribed, and those elected at all subsequent elections, shall elect one of their number president; and directors thus elected, shall continue in office until their successors are elected and qualified, and elections for directors shall thereafter annually be held on the second Monday of February, or in case of failure then to elect, at such subsequent time as the board shall appoint.

Sec. 10. Certificates of stock shall be given to stockholders, which shall be evidence of stock held; they shall be signed by the president, and countersigned by the secretary. The stock shall be transferable on the books of the corporation, personally or by agent,

attorney in fact, executor, administrator, trustee, or guardian; but which [such] stock shall at all times be held by the company for dues from the holders thereof to said company, or for sums that may thereafter become due said company, on contracts prior to such transfer.

Sec. 11. Whenever any stockholder shall refuse or neglect to pay any instalment, the corporation may bring suit therefor in any court of competent jurisdiction, and recover the amount due, with ten per centum damages thereon, and if the same cannot be made on execution, or the delinquent is without the State, then said corporation may by an order entered on their books, declaring the stock for which such instalment was due to be forfeited, with whatever amount shall have been paid thereon; and no person while delinquent, shall have any right to vote at any election for directors, or receive any dividend on his stock.

Sec. 12. In case said company shall require for the use of said road any stone, gravel, timber or other material from the land of any person adjoining said road, or near thereto, and if said company cannot contract with the owner for the same, said company may give notice to some justice of the peace of the county of Wayne or Randolph, and such justice shall thereupon summon the owner of said land, if a resident of the county, to appear before him on a day to be named in said summons; and if the parties cannot then agree, said justice shall issue a venire for summoning before him a jury of twelve disinterested men of the neighborhood, to be selected by the justice, or such less number as the parties may agree upon, and such jury, after having taken an oath faithfully to assess the damages, if any, duly considering the advantages and disadvantages of said road to said owner, and shall make report thereon to said justice; whereupon he shall enter judgment thereon, and the costs shall be awarded for or against either party at the discretion of the jury; and in case an appeal is taken, said company may take possession of said materials, and use the same immediately, on tendering the sum assessed therefor, if any, notwithstanding the pendency of said appeal.

Sec. 13. If said road, after its completion, or any part thereof, shall be suffered to be out of repair so as to be impassable, for the space of one year, unless when the same is repairing, this charter shall be considered as forfeited; and if said company shall suffer said road to be out of repair to the hindrance and delay of travelers, for an unreasonable length of time, they shall have no right to collect tolls thereon until the same is repaired.

Sec. 14. The corporation may charge and receive such toll from all persons traveling on said road, for the privilege of driving all manner of live stock, wagons and teams, pleasure carriages, sleighs, &c., or any part of it, as shall be for the interest of the company, and the same to change, lower or raise at pleasure; such tolls not to exceed the rates specified in the act entitled "an act to authorize the construction of plank or coal roads," approved February 16, 1848:

Provided, That the rates be posted up in some conspicuous place or places on said road; and *Provided*, That said tolls shall not net more than fifteen per centum per annum on the capital stock, after keeping said road in repair, and defraying necessary expenses of said corporation; and *Provided*, All funeral processions shall pass free of toll.

Sec. 15. Said corporation shall have the right to establish the rates of toll on any portion of said road as they may think proper; and may demand, sue for and collect toll of all persons who may use any portion of said road lying between gates, even though such person or persons may not pass through any gate; and when any person uses said road between gates, and refuses to pay toll therefor, after demand made by any authorized agent of said company, [said company] may bring suit therefor in an action of assumpsit, before any justice of the peace in Wayne or Randolph counties, and recover said toll and three-fold the amount thereof in damages against said person.

Sec. 16. If any person or persons using any part of said road shall, with intent or view to defraud said company, pass through any private gate or bar, or along any other ground near said road to avoid any toll gate, or shall practice any fraudulent means to lessen or avoid the payment of any such toll, each and every person concerned in such fraudulent practice, for every such offence shall forfeit and pay to said company the sum of five dollars, which shall be recovered without any stay of execution, in an action of debt in the name of said corporation, before any justice of the peace in Wayne or Randolph counties: *Provided*, That nothing herein contained shall prevent persons residing on said road from passing thereon between gates about their premises for common and ordinary business.

Sec. 17. Said company shall put up a post or stone at the end of every mile, with the number of miles fairly cut or painted thereon; and also in a conspicuous place near each toll gate shall be placed a board with the rates of toll fairly painted thereon.

Sec. 18. If any toll gatherer shall unnecessarily detain any traveler after the toll has been paid or tendered, or shall demand or receive greater toll than is allowed by this act, he shall, for such offence, be fined in any sum not exceeding fifty dollars, on indictment or presentment before any court of competent jurisdiction.

Sec. 19. The books of said company shall always be open to the inspection of the commissioners of Wayne and Randolph counties.

Sec. 20. The said company may make dividends at such times as the board of directors may deem proper and expedient.

Sec. 21. That if any person or persons shall injure or obstruct said road or any part thereof, or shall break, injure, destroy or deface any property, work, edifice or toll gate belonging thereto, such person or persons so offending shall pay to the corporation three times the amount of damages actually done, with the costs [of suit,] to be recovered by the corporation in an action of trespass before any court of competent jurisdiction.

Sec. 22. When said company shall have completed three miles of said road, they shall have the right to put up a gate thereon.

Sec. 23. This act, and the act herein referred to and incorporated in this act, shall be taken and deemed to be a public act, and as such shall be favorably construed in all courts, and shall take effect and be in force from and after its passage.

CHAPTER XC.

An act to incorporate the Bluffton, Camden, and Winchester Plank Road Company.

[APPROVED JANUARY 31, 1851.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That John J. Drummond and Thomas Crumley, of the county of Wells; Anthony Pitman, George C. Whiteman, and John Bell, of the county of Jay; Joab Ward and John Wilson, of the county of Randolph; and their successors in office duly elected in the manner hereinafter provided, are hereby constituted a body politic and corporate, and by the name and style of the Bluffton, Camden, and Winchester Plank Road Company, shall be able to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto, in any court of law or equity having competent jurisdiction; shall have power to make and use a common seal, and the same to change, alter, or renew, at pleasure; and shall be capable in law to make contracts and enforce them when made, with full power and authority to acquire, hold, possess, use, occupy, and enjoy property, both real and personal, for the use of said corporation, and the same to sell, dispose of and convey, as the same shall be for the interest of said company; and make, establish, and put in force such necessary by-laws, rules, and regulations, as shall enable them to carry into effect the provisions of this act, and the objects contemplated by the same not inconsistent with the laws and constitution of this State.

Sec. 2. The capital stock of said company shall be one hundred thousand dollars, divided into shares of twenty-five dollars

each, with power to increase the capital stock if necessary to accomplish the objects herein contemplated.

SEC. 3. The directors in this act named, or a majority of them, shall meet at such time and place as they may agree upon, and organize said corporation by electing one of their body president, and after such organization a majority of said board shall be a quorum to do business.

SEC. 4. The corporation shall have power to appoint agents, clerks, treasurers, surveyors, engineers, superintendents, artists, and all other persons and officers necessary to carry into effect the provisions of this act; they shall keep a journal of their proceedings, in which shall be entered all the acts, laws, (by-laws,) and regulations, orders for the payment of such allowances as may be made to their officers and others in their employment, which journal and proceedings shall, from time to time, be signed by their president; they shall sit upon their own adjournments or on the call of the president; when the president is absent they may appoint a president *pro tempore*, and shall fill all vacancies that may occur in their body.

SEC. 5. The corporation shall cause books to be opened for subscription to the capital stock at such times and places as they may think proper, due notice of which shall be given; in each of which books an entry shall be made in words and figures following: We, the undersigned, promise to pay the sum of twenty-five dollars for each share of stock opposite to our names, in labor, materials, land, or money, in such manner, and in such proportions, and at such times as the president and directors of the Bluffton, Camden, and Winchester Plank Road Company may direct; the value of all subscriptions, other than in cash, to be settled by the board of directors and to be appraised at what the board shall consider their actual cash value at the time of payment.

SEC. 6. It shall be lawful for all persons of lawful age, or any agent of the United States or of any of the States on the part of the same, respectively to subscribe for capital stock in said company, and the books for subscription of stock shall be kept open in such place or places within the State of Indiana, or in any other State, and for such periods of time as the corporation may direct; and for the purpose of raising money to complete the road contemplated by this charter, or any part thereof, the said corporation shall have power to borrow money either by mortgage of the road or in any other manner that may be agreed upon between the corporation and the party or parties of whom the loan may be obtained.

SEC. 7. As soon as one hundred shares or more are subscribed it shall be the duty of the directors named in this act to give three weeks' notice thereof in the newspapers in the vicinity of the contemplated road, and in said notice to appoint a time and place for the stockholders to meet and elect seven directors; at which

election no person shall be eligible to the office of director unless he is a stockholder and citizen of this State; which election shall be held within three months after the last share in the one hundred shares shall be subscribed for, and shall be conducted by three judges appointed by the stockholders present, and the person having a plurality of the votes given and counted in public shall be declared duly elected; each stockholder shall at such election be entitled to a vote for each share by him owned for the term of one month prior to the election: *Provided*, That at the first election each share shall entitle its owner to a vote without regard to the length of time it may have been owned, and votes shall be given by the person owning the same, or one of any partners, or by the husband, father, mother, executor, administrator, trustee, or guardian, or by the agents of any corporation, State, United States, county, or township, or by proxy.

SEC. 8. It shall be the duty of the directors elected as above, and those elected annually thereafter, to meet as soon as they conveniently can and elect one of their own body president, and the directors thus elected shall continue in office until the next annual election, and until their successors are elected and qualified.

SEC. 9. All elections after the first shall be held on the first Saturday in March annually, at such time and place as the directors may direct; three weeks' notice of which shall be given in the Bluffton, Winchester, and Fort Wayne papers; the judges of all elections shall be three in number and shall be stockholders, but not directors at the time of the election, and after the first election be appointed by the directors; and it shall be the duty of said judges upon the result of each election being known, to give to each director a certificate of his election, which certificate shall be evidence of their right to act as director; a majority of said directors shall be a quorum to transact business: *Provided*, That if an election should not be held on the day appointed it shall be lawful to hold the election on any other day to be designated by the directors.

SEC. 10. Certificates of stock shall be given to the stockholders which shall be evidence of stock held; they shall be signed by the president and countersigned by the secretary; stock shall be transferable on the books of the corporation only personally, or by an agent, or attorney, or by the administrator, executor, trustee or guardian, but the corporation shall have a lien upon such stock for all sums due or to become due from such stockholders either for subscriptions to stock or on contract made prior to such transfer.

SEC. 11. The directors shall have power to call for such part of stock subscribed as may seem to them necessary to carry on the work on said road, to be paid by the stockholders in such materials, land, labor, goods, chattels or money as shall have been subscribed and designated by the party subscribing for such stock, to be paid at

such time and place as the directors may designate: *Provided*, They shall not demand more than twenty per cent., and that ninety days shall intervene between each requisition by giving sixty days' notice in the newspapers published near said road, or by giving written notice to the stockholders; in all such notices the amount demanded on each share, and the time and place of payment shall be set forth; and it shall be the duty of the directors to permit each person subscribing for stock in materials or labor to furnish the same on the road at such place as the same can be advantageously used most connenient to his premises, and if such stockholder shall fail or refuse to furnish such requisition within ten days after the time designated in such notice for furnishing the same, the corporation shall have power to collect the same by an action at law in any court of competent jurisdiction; the same to be collected without the benefit of the valuation or stay laws; the corporation shall have power through their president and in his name, but for their use, to purchase the stock of any stockholder when offered on execution on any judgment obtained against him in favor of the company.

Sec. 12. The directors shall require all officers and others in their employ to give bond with security to their acceptance for the faithful performance of their duties.

Sec. 13. The said directors shall proceed from time to time either in person or by their agents, to examine, mark, and locate said road, and may locate the same over or upon any State or county road, or other public highway, from the public square in Bluffton, Wells county, by the way of Camden, New Mt. Pleasant, to Winchester, in the county of Randolph, with power to diverge from a direct line for the interest of said company or the public convenience, and thereupon the State or county road, or other public highway, or such portion of it as shall be so occupied and appropriated by said company, shall be and become the property of said company for the purpose of making and maintaining said road, and the gates, and toll houses thereon.

Sec. 14. The directors of said company may take for said company releases and conveyances of the right of way and all necessary lands of any and all persons over whose lands the road may have been or be about to be located, and such releases or conveyances may be made by an infant, married woman, guardian, executor administrator, or trustee, and shall be effectual in law, by obtaining the consent of the proper probate court thereto, and when said company shall have procured such releases or conveyances as before provided, they shall be seized in fee simple of said land, and shall have the sole use and occupation of the same.

Sec. 15. For the purpose of constructing said road it shall be lawful for said corporation, or their agents, and persons in their employ, to enter upon any lands to make surveys and estimates, for

the purpose of searching for gravel, stone, wood, or other material necessary for the construction of said road and the bridges thereon.

Sec. 16. If any person owning lands and upon which such road shall have been or about to be located shall refuse to relinquish the same for the use of said road and no satisfactory contract can be made by the directors with the owner therefor, it shall be lawful for the said directors to give notice thereof to some justice of the peace of the proper county and such justice shall thereupon summon the owner of such land, if a resident of said county, to appear before him on a day mentioned in such summons, within ten days thereafter, and if the parties cannot then agree, said justice shall then issue a venire for summoning a jury of three disinterested men of the county, to be selected by the justice, and such jury after having taken an oath or affirmation faithfully and impartially to assess the damages, if any, shall proceed and view the lands upon which such damages are claimed, and shall determine the same, duly considering the advantage of said road to said owner, and shall make report thereof to said justice, whereupon he shall enter judgment upon said report, from which said judgment either party may appeal to the circuit court.

Sec. 17. If such owner be a minor, or insane person, or reside out of the county where said lands may be, such justice may cause three notices to be posted up in the township where such lands are situated, of the time and place of summoning such jury to make such appraisement, and if no person appear for such minor, insane person, or non-resident of the county, such justice shall appoint some disinterested person to act on behalf of such absentee, and shall then proceed as in other cases; costs shall be awarded in the discretion of the jury.

Sec. 18. In case such company shall acquire [require] for the use of said road any stone, gravel, or other materials from the lands of any person adjoining or near said road and said directors cannot contract therefor with the owner thereof, such directors may proceed in like manner to have the value of such material assessed, in such manner as is above provided for assessing the value of lands, and in every such case of lands and materials, the directors may take possession of, and use the same, immediately after having paid such justice for the use of such owner of said lands or materials, the sum, if any, which may have been assessed therefor, notwithstanding an appeal may have been taken: *Provided*, That such jury in assessing such damages shall not take into consideration the advantages of said road to the owner of such material.

Sec. 19. The said road shall be opened by the company at least sixty feet, and not to exceed one hundred feet, and at least twenty feet thereof shall be made a good artificial road, except at such places as may be already on a good natural road; and said road

may be covered with gravel, sand, plank, stone, coal, or such other material as can be best secured, and put on in as compact a manner as is usual for such materials.

SEC. 20. When said road or any particular section thereof shall be located, it shall be the duty of the directors to cause a plat thereof to be deposited in the auditor's office of the county or counties in which such location is made, and from and after that time it shall not be lawful for said company to alter or change any part thereof, unless the company pay the owner of any lands changed, the amount of damage they may sustain by the change.

SEC. 21. If said road or any section thereof shall be suffered after it has once been completed to go to decay and become impassable for one year, unless the same is repairing, the charter shall be considered as forfeited.

SEC. 22. The company shall commence to construct said road within five years, and shall complete the same, or as much thereof as shall be for the convenience of the public and the means of the company will allow; and when five continuous miles of the same shall be completed agreeably with the provisions of this act, the board of county commissioners of the proper county shall appoint a disinterested person to examine the same and report his opinion in writing to the directors of said company, and if said report shall state the road or any continuous five miles thereof, to be completed agreeably to the provisions of this act, the company may erect toll-gates at suitable distances apart, not less than five miles, and at such gates demand and receive of all persons traveling said road such tolls and at such rates as such corporation shall determine upon for the privilege of traveling the same; or of driving all kinds of live stock, wagons and teams, pleasure carriages, sleighs, and all other vehicles and things that may pass over said road or any part thereof, as shall be for the interest of the company, and the same to change, lower, or raise, at pleasure; a list of the rates established from time to time shall be posted up at some conspicuous point at each gate, together with all necessary directions: *Provided*, The toll charged shall not be higher than the tolls usually charged on roads of a similar kind.

SEC. 23. If any person using said road shall, with intent to defraud said company or to avoid the payment of toll, pass through any private way, gate, or bars, or along any other ground near said toll-gate which shall be properly enclosed, or shall practice any fraudulent means with intent to evade or prevent the payment of toll, or otherwise defraud the company; every person so offending in such practice, shall for every such offence, forfeit and pay the corporation the sum of five dollars, recoverable without any benefit of appraisement or stay laws, with costs of suit, in an action of debt in the name of the corporation before any justice of the peace of the proper county: *Provided*, That nothing in this act shall be

so construed as to prevent persons residing on premises through, or touching which said road passes, from freely using said road at all times, within one mile of his dwelling, without paying any toll or toll [charge] for himself, or any of his cattle, teams, or property.

SEC. 24. The company shall set up a post or stone at the end of every mile with the number of miles from the commencement of the road fairly cut or painted thereon.

SEC. 25. Any person wilfully or negligently destroying, defacing, or removing any guide-board, mile-post or stone, or list of rates of tolls, or directions erected on said road, or remove any plank, board, or other materials, or fill up any ditch placed or used in the construction of said road, shall, upon conviction thereof before any justice of the peace or court of competent jurisdiction, forfeit and pay a sum not exceeding five hundred dollars or less than one dollar, to [be] recovered with costs of suit in an action of debt in the name of the corporation and for the use of the company, without the benefit of appraisement or stay laws.

SEC. 26. If a toll-gatherer on said road shall unreasonably detain any traveler after the toll has been paid or tendered, or shall demand or receive greater toll than is posted at such gate, he shall for such offence forfeit and pay a sum not exceeding ten dollars, to be recovered before any justice of the peace having jurisdiction, within twenty days after the right of action has occurred and not afterwards.

SEC. 27. The company shall cause a fair account to be kept of all expenses of making, constructing, and repairing said road or any section thereof, together with their incidental expenses; also, a fair account of all tolls received; and the books of said company shall be always kept open for the inspection of an authorized agent of the State or any stockholder of said company, and the company shall have the right to sell the stock to the State upon such terms as they may agree.

SEC. 28. This act shall be limited to one hundred years and shall be in force from and after its passage, and be liberally construed as a public act for all beneficial purposes, and the secretary of State shall forward a certified copy thereof to the clerk of Wells circuit court.

SEC. 29. The Legislature reserves the right to repeal this charter whenever its provisions are violated; but if repealed or its limitation expires, the assets, after the payment of all debts and liabilities, shall be divided amongst the several stockholders in the proportion of the stock paid by each.

SEC. 30. The board of directors shall have power to receive by deed or other proper and legal conveyance, any lands, mortgages, stocks in other companies, goods, chattels, wares, merchandise and other materials which may be subscribed for stock in said company, and may sell the same for money or labor, or otherwise convert the

same into available means to be used in the construction of said road, and to give all proper deeds and other conveyances that may be necessary to complete the sale of the same.

SEC. 31. The stock of the company shall be regarded as personal property and may be sold on execution and transferred on the books of the company by the officer making sale thereof, but shall in all cases be subject to the lien mentioned in section ten (10).

SEC. 32. It shall be lawful for said company to receive any contracts, gifts, grants, donations or bequests in land, money, labor, materials or property of any kind offered in consideration of the location of said road or otherwise; and it shall be lawful for said company to loan out at interest such portion of the earnings of said road as they may think proper, upon such security as the directors will accept, for the purpose of providing a fund for repairing said road.

SEC. 33. If any person feels himself aggrieved by the location of said road over or upon any of his lands, or of the taking from his lands any stone, gravel, or other material for the use of said road, he may sue therefor within six months after his right of action shall have occurred by the location of said road or the taking of said material, but not afterwards.

SEC. 34. The directors that may contract any debts over and above the amount of stock secured, shall be liable in their individual capacity for the payment of all dues to laborers for work done on said road which shall not have [been] paid when due by the company in its corporate capacity.

SEC. 35. This act shall be a public act and shall be so construed, and shall be in force from and after its passage.

CHAPTER XCI.

An Act to incorporate the Mullican Mill and Junction Plank or Clay Turnpike Road Company.

[APPROVED FEBRUARY 11, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That John Briggs, Reuben Webster, James Brenton, Jesse B. Yocum, John H. Hawkins, Mitchel [Michael] Combs and William Herron, of Parke and Clay counties, and their successors in office duly

elected as hereinafter provided for and directed, are hereby constituted and appointed a body politic and corporate, and by the name and style of the president and directors of the Mullican Mill and Junction Plank or Clay Turnpike Road Company, shall be able and capable in law and equity to sue and be sued, plead and be impleaded in any of the courts of justice whatsoever, and to make and use a common seal, and the same to alter at pleasure, and shall be able and capable in law to make contracts and enforce the same, and to make and enforce the necessary by-laws, rules and regulations to enable them to carry into effect the provisions of this act and the objects contemplated by the same, not inconsistent with the laws and constitution of this State.

SEC. 2. The capital stock of said corporation shall be forty thousand dollars, to be divided into shares of twenty-five dollars each, payable in land, money or labor.

SEC. 3. The directors named in this act, or a majority of them, may meet at such time and place as they may agree upon, and organize said corporation by electing one of their body president, and after such organization any four of the board shall be a quorum.

SEC. 4. The corporation shall have power to appoint agents, clerks, treasurers and other officers and persons necessary to carry into effect the object of this act; they shall keep a journal of all their acts and proceedings, in which shall be entered all the by-laws, rules and regulations, and all orders for the payment of such allowances as may be made to their officers and all others in their employ, which journal shall be read from time to time by the board, and if found correct, shall be signed by the president. They may sit on their own adjournments, or on the call of their president. When the president is absent they may appoint a president *pro tempore*. They shall fill all vacancies that may happen in their body.

SEC. 5. The corporation shall cause books to be opened for subscription to the capital stock at such time and place or places as they may choose, and due notice thereof shall be given, in each of which books the following entry shall be made: "We, the undersigned, promise to pay the sum of twenty-five dollars for each share of stock set opposite to our names, in such manner and proportion, and at such times as the president and directors may direct;" *Provided*, That it shall be lawful for persons becoming stockholders at the time they subscribe stock, to specify the manner in which the same is to be paid, whether in money, labor, or real estate.

SEC. 6. It shall be lawful for all persons of lawful age to subscribe for any amount of the capital stock, and the books shall be kept open for such time and at such place or places as the corporation shall choose, and may be re-opened at any time; they may by assent offer for sale in any other counties or States, any amount of stock, upon such terms and conditions as may be thought advisable, and they shall have power, on their credit, to borrow money, on such

terms as may be agreed upon by the parties; the corporation may require such sum or sums of the stock to be paid at the time of subscribing, not exceeding the sum of five dollars on each share, as they may think proper, and such requisition shall be made known by being inserted in the notice for opening the books; any further payment on the stock shall be under the control of the corporation.

SEC. 7. As soon as ten thousand dollars, in shares as aforesaid, are subscribed, and the amount paid on each share as determined by the corporation, as provided in the preceding section, it shall be the duty of the corporation to give three weeks' notice in some newspaper, if there be one published in either of said counties, if not, in the nearest one adjoining thereto; and in such notice to appoint a time and place for the stockholders to meet and elect seven directors, who shall be stockholders and citizens of the counties of Parke and Clay, which election shall be held within three months after the time of paying the first instalment, and shall be conducted by two judges appointed by the stockholders present, and the person having the plurality of the votes given and counted in the public meeting, shall be declared duly elected; in all elections each share, the instalment on which shall have been paid when required, shall entitle the holder to one vote; and votes may be given by persons owning the same, or by agent duly authorized.

SEC. 8. It shall be the duty of the directors elected as above, and all those elected at all subsequent elections, to meet as soon thereafter as they conveniently can, and elect one of their own body to be president; the president and directors thus elected shall continue in office until their successors are elected and qualified.

SEC. 9. All elections after the first shall be held on the first Monday of November annually, under the direction of their [three] stockholders, who are not directors at the time, to be appointed by the stockholders present, of which election one notice shall be given: *Provided*, That if, from any cause whatever, there shall be no election held on the day appointed by this act or by the directors for the first election, it shall be lawful to hold the election on any other day.

SEC. 10. Certificates of stock shall be given to stockholders, which shall be evidence of stock held; it shall be signed by the president and countersigned by the clerk; the stock shall be transferable on the books of the corporation only, or by an agent or attorney, or by an executor, administrator, or guardian; but such stock shall at all times be holden by the corporation for any dues from the holder thereof to the corporation, or for any sum that hereafter may become due on a contract made prior to such transfer.

SEC. 11. The corporation shall have power to call for such proportions of the stock subscribed, not exceeding twenty per centum of the amount of stock, every six months, as they may think proper,

to be paid at such time and place as they may designate by giving sixty days' notice in writing, given to the stockholders; in such notice the amount on such share demanded and the time and place of payment shall be set forth, and if any stockholder shall neglect or refuse to pay such requisition within ten days after the time named for such payment, the corporation may bring suit against such delinquent for the amount due, in any court of competent jurisdiction, and recover the amount with six per centum interest per month thereon for such detention, and if the amount cannot be made on execution, or the delinquent be out of the State, then the corporation by an order on their books [may] declare such stock forfeited to the corporation with whatever amount may have been paid thereon; and no such delinquent, before the forfeiture of his stock, shall have the right to vote for directors, or receive any dividend on his, her, or their stock, until the corporation shall be fully paid and satisfied.

SEC. 12. The corporation shall have full power to require of all officers and others in their employ, bonds with security to their acceptance, with such penalties and conditions as they may think proper, for the faithful performance of their respective duties.

SEC. 13. The corporation shall have full power to mark, survey, and locate said road, commencing at Millakin's mill, in Parke county, Indiana, and running thence south, passing through East street, in Williamstown, Clay county; thence through Union street, in the town of Highland, in said county; thence south to the junction of the Eel river feeder with the Wabash and Erie Canal, in said county; with full power to diverge from a straight line wherever more favorable ground can be had, or the interest of the company may require.

SEC. 14. It shall be lawful for the corporation either before or after the location of any section of the road, to obtain from any person or persons through whose land the same may pass, a relinquishment of so much of said land as may be necessary for the construction and location of said road, also such materials as may be obtained on said route for the construction of said road.

SEC. 15. That in all cases where any person, through whose land the road may run, shall refuse to relinquish the same, or where a contract between the parties cannot be made, it shall be lawful for the corporation to give notice to some justice of the peace in the county where such difficulty may occur, that such fact does exist, and such justice shall thereon summon the owner of such land to appear before him on a particular day, within ten days thereafter, and shall appoint six disinterested freeholders of the neighborhood, who shall, after taking an oath faithfully and impartially to assess the damages, if any, view the lands or other materials, and after taking into consideration the advantages, as well as the disadvantages the road may be to the same, and shall report thereon, whether such person is en-

titled to damages or not, and if so, how much, and shall file such report with such justice; whereupon said justice shall enter judgment thereon, unless for good cause shown, and in case either party shall show sufficient cause why judgment shall not be entered, the justice may grant a review of the premises, either with or without cost, as to said justice shall seem just; *Provided*, That either party may appeal to the circuit court of said county, at any stage of the proceedings, and such court shall appoint viewers as above directed, who may report at that or a succeeding term of said court, at the discretion of the same, and the judgment of said court shall be final in the premises.

Sec. 16. That if it shall be found expedient or advantageous to the location or construction of said road, the corporation shall have the right to lay or construct the same on any state or county road: *Provided, however*, That before such location or construction, the corporation shall make application to the county commissioners of the proper county, for such right, and the said board of commissioners are hereby vested with power to grant the same or not, by an order entered on their records.

Sec. 17. That when said corporation shall have procured said right of way as hereinbefore provided, they shall be seized in full right of said land, and shall have the sole use and occupancy of the same; and no person, body politic, or corporate, shall in any way interfere with, molest or disturb, or injure any of the rights or privileges hereby granted, or that would be calculated to injure or damage said corporation.

Sec. 18. The corporation shall commence the construction of said road at any time within two years from the passage of this act, and may from time to time construct such portion of said road as may be within the ability, and to the interest of said corporation, and shall complete the whole of said road within four years from and after the commencement of the same: *Provided*, That if said road is not completed within the time in this act specified, the General Assembly may, for cause, give further time to complete the same.

Sec. 19. It shall be lawful for said corporation to erect gates at suitable distances apart, and demand and receive from all persons traveling said road, footmen excepted, the toll allowed and fixed by said corporation: *Provided*, That said corporation may alter or change said tolls: *Provided, however*, That toll shall never be raised higher than an average of tolls charged on similar roads in this State; and said corporation shall keep said rate of tolls posted up conspicuously at each place of receiving tolls, on said road.

Sec. 20. That if any person or persons using said road, shall, with the intent to defraud said company, or evade the payment of tolls, pass through any gate or bar, erected in pursuance of this act, or shall practice any fraudulent means with intent to lessen the tolls, or shall travel on said road through the gates without reporting the

same, with intent to defraud said company, shall forfeit and pay to said corporation the sum of five dollars, to be recovered before any justice of the peace of the county: *Provided*, That nothing in this act shall prevent persons living on said road from going and passing thereon about their premises for common or ordinary business.

Sec. 21. The corporation shall make a dividend of so much of the profits, and at such times as the corporation may deem proper, and cause the same to be paid to the several stockholders without delay.

Sec. 22. The corporation shall have full power to prosecute all persons who may injure or damage said road, or obstruct the same, and recover before any justice of the peace of said county, not exceeding three-fold the value thereof: *Provided*, That all prosecutions under this section, shall be commenced within six months after the commission of said offence, and not afterwards.

Sec. 23. It shall be the duty of the corporation to cause a full statement of the affairs of the company to be exhibited at every annual election, or at any general meeting of the stockholders.

Sec. 24. Any number of the stockholders, holding one-third of the stock, may call a general meeting of stockholders, by giving four weeks notice of the same in some public newspaper, if any in the counties, or by written notices, and specifying in such notice, the object of such call; and a majority of such stock may make such order in relation to the affairs of the company as may be necessary.

Sec. 25. Should the capital stock herein specified prove insufficient, the same may be increased as the company may think proper.

Sec. 26. When said road is located, it shall be the duty of the company to file a plat of the same in each of the offices of the auditors of Parke and Clay counties; and it shall not be lawful thereafter to alter or change said road, without first obtaining the consent of the board of commissioners of the county where such change is desired.

Sec. 27. That if, after the completion of said road, it shall be suffered to go into decay, or be impassable for six months, unless undergoing repairs, this charter shall be taken and considered forfeited.

Sec. 28. The said president and directors of said company are hereby vested with full power to hold real estate acquired either by purchase or gift, for the use and benefit of said road, and shall have power to sell and transfer the same for the purpose aforesaid.

Sec. 29. This act to be in force from and after its passage.

CHAPTER XCII.

An Act to incorporate the Town of Valparaiso, in the county of Porter.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the president and trustees under the provisions of this act, shall be, and the same are hereby declared to be a body politic and corporate, by the name and style of "the President and Trustees of the Town of Valparaiso;" and by that name and style shall be able and capable in law and equity, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in any court of competent jurisdiction; to make, use, and have, a common seal, and the same to break, alter and renew, at pleasure; to ordain, order, establish, and put in execution, such by-laws and rules as they shall deem proper and necessary for the good government of said town, subject to the restrictions and limitations hereafter provided, and not inconsistent with the laws and constitution of this State.

SEC. 2. The qualified voters of said town shall on the first Monday in March, A. D. 1851, proceed to elect one president, five trustees, one marshal, and one lister, for said town, for the year next ensuing thereafter; and this act shall be deemed and taken a sufficient notice of the time of holding said election, which said election shall be held at the court house in said town; O. Dunham and Samuel S. Skinner, of said town, are hereby appointed inspectors of said election. They shall call to their assistance one other qualified elector of said town, who, with themselves, shall be judges of said election. They shall appoint a clerk, and after having taken an oath faithfully to discharge their duties as judges and clerk, shall proceed to receive votes for president, trustees, marshal and lister, between the hours of ten o'clock A. M., and four o'clock P. M., on said day; in case of the death, resignation, or refusal to serve, of one or both of the above named inspectors, and judges of said electon, his or their vacancies may be supplied by a viva voce vote of the qualified voters of said town, provided ten voters are present.

SEC. 3. On the first Monday in March, annually, there shall be an election held at the court house, to elect by ballot, one president, five trustees, one marshal, and one lister, at which election all free white male citizens of the age of twenty-one years and upwards, who shall have lived in the State one year, and in said town three months next preceding said election, shall be allowed to vote.

SEC. 4. It shall be the duty of the president and trustees to cause a notice of at least ten days, to be given of such election, either by publication in some newspaper published in town, or by written notices set up [in] three of the most public places in said town. The president of the corporation shall act as inspector of said election; he [shall] call to his aid two other qualified electors of [said] town, who with himself shall be judges of the election; they shall appoint a clerk, and having taken an oath or affirmation, faithfully to discharge their duties as judges and clerk, shall proceed to receive votes for officers as aforesaid; *Provided, however*, That if the president shall not be present, or shall be disqualified from acting by any [cause] the trustees, or a majority of them may appoint one other to act in his place at such election; *Provided, also*, That should the electors fail to meet and elect officers at any annual election, the corporation thereby shall not be dissolved, but the officers then in office, shall continue until others are elected and qualified at an annual election.

SEC. 5. It shall be the duty of the judges of such election, to certify under their hands and seals the names of the persons who received the highest number of votes for the several offices, which certificate shall be filed, and put upon record by the clerk of the corporation, whose duty it shall be to deliver a copy thereof to each of the officers so elected; which certificate shall be sufficient authority for such person to act as such officer.

SEC. 6. The president and trustees elected under this act, shall meet on the second Monday in March, and after having taken an oath faithfully and impartially to discharge their respective duties, shall organize, and shall have power to appoint a clerk, who shall be called the clerk of the town of Valparaiso, a treasurer, attorney, street commissioner, and such other officers as they may deem necessary, to carry out the powers vested in them by this act.

SEC. 7. The president and trustees shall constitute the common council of the town of Valparaiso; the president shall preside at all meetings of the common council, and shall perform all other duties enjoined on him by law. He shall have no vote unless the common council be equally divided, when he shall give the casting vote; four trustees, or the president and three trustees shall constitute a quorum to transact all business, and in the absence of the president, the said common council shall appoint one of their own body to act as president, pro tempore; and any vacancy in the office of president, trustee, marshal or lister, shall be filled by appointment by the common council, until the next annual election.

SEC. 8. All officers elected under this act, shall hold their office for the term of one year from and after the second Monday in March next after their election, and until their successors are duly elected and qualified, and all officers appointed by the common council, except to fill vacancies in the office of president, trustee, marshal or lister, shall be removable at their pleasure, and no person shall be elected or appointed to any office unless he be a qualified voter of said town.

SEC. 9. The lister, marshal and treasurer, shall each execute a bond payable to the president and trustees of the town of Valparai-

so, with security to be approved by the common council, in such penalty as shall be by said common council determined; the conditions of the bonds for the lister, marshal, and treasurer, shall be for the faithful discharge of their duties as such, and for rendering a faithful account of all monies coming to their hands, by virtue of their offices, and for the faithful payment of the same over to the common council or when required by them, to their order; and every officer elected or appointed under this act, except attorney, shall be required to take an oath before some competent authority.

SEC. 10. It shall be the duty of the president to sign all laws, ordinances and decrees of a public nature, and also to sign the records of all the by-laws, and journals or minutes of the proceedings of the common council.

SEC. 11. The common council shall hold stated meetings at such times and places as they shall appoint, and may hold special meetings whenever called together by the president. They shall determine the amount of compensation to be paid to all officers; they shall have power to assess and collect a tax annually on real property, not to exceed one-half per cent. on its valuation, including improvements on such property, or any specified article or articles of personal property, a poll tax on each qualified voter not exceeding fifty cents each, and on all shows and exhibitions; the corporation may in addition to the above tax, levy and collect on real property a tax not exceeding one-half per cent. on its valuation, including improvements, for the purpose of purchasing a fire engine.

SEC. 12. The common council shall have power to pass such laws, ordinances or decrees, as may be necessary to guard against damages by fire, to organize fire companies, and govern the same, to regulate the duty and conduct of the citizens of the town in relation thereto; to regulate and govern markets; to prevent the erection of nuisances, and to remove the same, and generally to enfore, by proper penalties, or ordinances relative to the police, and government of said incorporated town.

SEC. 13. The powers of the corporation, for the purpose of raising a revenue by taxation, shall extend to the corporate limits of said town, as hereinafter prescribed; its jurisdiction for the purpose of removing nuisances, and to carry into full and complete effect its laws and ordinances one full half mile beyond the limits aforesaid; the term nuisances shall be taken and construed to mean any thing and every thing which may have a tendency to injure the health of the inhabitants of said corporation.

SEC. 14. The common council shall also have power to adopt, and enforce, by proper penalties, public ordinances, for the following purposes:

First, To prevent and punish forestaling and regrating, and to prevent and restrain every kind of fraudulent device and practice.

Second, To restrain and prohibit all descriptions of gaming and fraudulent devices in said town.

Third, To prohibit the sale of any spirituous liquors by less quantity than a quart at a time, to be drunk in the store, shop, grocery, house, out-house, garden or yard, owned or occupied by the person selling the same, unless licensed so to do, according to the laws in force at the time; and to prohibit the selling or giving away of any intoxicating liquors to any child, apprentice or servant, without the consent of his or her parent or guardian, master or mistress, or to any Indian.

Fourth, To regulate or prohibit the exhibitions of common showmen, and of shows of every kind, or the exhibition of natural or artificial curiosities, caravans, circuses, theatres, concerts, or feats of legerdemain, horsemanship, tumbling, and vaulting, rope or wire dancing, or ventriloquism.

Fifth, To prevent and punish any riot, noise, disturbance or disorderly assemblages, to suppress and restrain disorderly houses, and groceries, houses of ill fame, billiard tables, and ball alleys, and to authorize the demolition and destruction of all instruments and fixtures used or kept for the purpose of gaming.

Sixth, To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome or nauseous house or place, to cleanse, remove or abate the same from time to time, as often as may be necessary for the health, comfort and convenience of the inhabitants of said town.

Seventh, To direct the location and direction [erection] of slaughter houses, market houses, and houses for stowing gunpowder, to regulate the keeping and conveying gunpowder and other combustible and dangerous materials, and the use of candles and lights in barns and stables.

Eighth, To prevent and punish any horse-racing, foot-racing, fighting, brawling, and immoderate riding or driving in the streets or sidewalks.

Ninth, To prevent the encumbering or obstructing the streets, sidewalks, cross-walks, lanes or alleys, with any article, substance, or material whatever.

Tenth, To restrain and punish vagrants, disorderly persons, mendicants, street beggars and common prostitutes.

Eleventh, To restrain, regulate, or prohibit the running at large of horses, cattle, mules, hogs, sheep, goats, and geese, and to authorize the distraining, impounding and sale of the same, for the penalty incurred, and costs of proceedings.

Twelfth, To prevent the running at large of dogs, and to authorize the seizure and destruction of the same when running at large contrary to any ordinance.

Thirteenth, To prohibit any person from bringing, depositing, keeping, permitting, or having within the limits of said town, any dead animal, carcass, or other unwholesome or nauseous substance, and to require the removal or destruction by any person who shall have or

suffer upon or near his premises, any such substance, or any putrid or unsound beef, pork, fish, hides, or skins, and to authorize the destruction or removal thereof, on his default.

Fourteenth, To prohibit the rolling of hoops, playing at ball, flying of kites, burning, lighting, or firing squibs, crackers, rockets, or torpedos, and other fire-works, or any other amusement or practice having a tendency to annoy persons passing the streets of said town, or to frighten teams and horses within the same.

Fifteenth, To compel the owners or occupants of lots or buildings to keep the snow, ice and dirt from the sidewalks in front of their premises.

Sixteenth, To prevent the ringing of bells, blowing of horns and bugles, and crying off goods or other things within the limits of said town.

Seventeenth, To abate and remove nuisances.

Eighteenth, To survey the boundaries of said town.

Nineteenth, To regulate the burial of the dead, to direct the keeping and returning bills of mortality, and to impose penalties on physicians, sextons and others, for any default in the premises.

Twentieth, To regulate and determine the manner and place of selling and weighing or measuring hay, wood, lime and coal, and to appoint suitable persons to conduct and superintend the same.

Twenty-first, To regulate cart-men and cartage.

Twenty-second, To regulate the police of said town.

Twenty-third, To regulate the quality of, and to provide for the seizure or forfeitue of bread baked contrary thereto.

Twenty-fourth, To establish, keep up, and regulate public pumps, wells, cisterns and reservoirs, and to prevent the unnecessary waste of water.

Twenty-fifth, To establish and regulate public pounds.

Twenty-sixth, To prevent and punish the firing of guns, pistols or other fire-arms within said town.

Twenty-seventh, To regulate, restrain and prohibit the keeping, exhibiting, or parading of stallions and jacks, within said town.

Sec. 15. The common council may make, ordain, publish, amend and repeal all such ordinances, by-laws and police regulations not contrary to the laws of this State, for the good government and order of said town, and the trade and commerce thereof, as may be necessary to carry out the powers given to said council by this act, and to enforce observance of all rules, ordinances, by-laws and police regulations made in pursuance of this act, by imposing penalties on any person violating the same, not exceeding twenty-five dollars, for any one offence, to be recovered with costs, in an action of debt, or any other form of action, in any court of competent jurisdiction; every such ordinance or by-law, imposing any penalty or forfeiture for the violation of any of its provisions, shall, after the passage thereof, be published for two successive weeks, in some newspaper, published in said town, and proof of such publication, by the affidavit of the printer, publisher, or proprietor of such newspaper, taken before any officer authorized to administer oaths, and filed with the clerk of the corporation, or other competent proof of such publication shall be conclusive evidence of the legal publication and promulgation of such ordinance, in all courts and places.

Sec. 16. The common council, at their first meeting, after the annual election in each year, or within ten days thereafter, shall designate one newspaper, printed in said town, in which shall be published all ordinances, by-laws, and other matters and proceedings required by this act, or by the by-laws and ordinances of the common council, to be published in a newspaper.

Sec. 17. All actions brought to recover any penalty or forfeiture incurred under this act, or any ordinance, by-law or police regulation made in pursuance thereof, shall be brought in the corporate name, and in any such action it shall be lawful to declare generally in debt for the penalty or forfeiture, stating the section of this act, or the ordinance or by-law, or the section or sections thereof, under which the penalty is claimed, and to give the special matter in evidence, and the defendant may give in evidence, under the general issue, any special matter in bar of said action; but it shall not be necessary in any action founded on any ordinance or by-law, to prove the passage or publication of such ordinance or by-law, unless the same shall be denied by plea verified by affidavit.

Sec. 18. No person shall be an incompetent judge, justice, witness, or juror, by reason of his being an inhabitant, or freeholder, or house holder in said town, in any action or proceeding in which said town is a party.

Sec. 19. It shall be the duty of the lister, during the months of April and May of each year, to make a fair list, in alphabetical order, of all persons subject to a poll tax, and such personal property as the corporation may direct him to list; also all lots and fractions of lots, particulary noting the number, owner's name, if known, and whether resident or non-resident; having completed such assessment, he shall call to his assistance two freeholders, who, having been sworn faithfully and impartially to value the real property, including improvements, so listed, shall with the lister, proceed to value the same, and such lister shall on or before the first day of June next succeding, make returns to the clerk of the corporation such list and assessment.

Sec. 20. The common council, in the month of June in each year, shall levy a tax on the property so listed, and returned by the lister, and shall make out a fair list of all the persons chargeable with a poll tax, with personal property, and with real property, with its valuation, setting forth the owner's name, (if known,) the amount of tax chargeable to each person, and the amount charged on each article, and shall deliver the same to the marshal, [and shall certify the amount of tax charged on such list to the treasurer; such list, so put into the hands of the marshal,] certified by the president, and attested by the clerk, shall be sufficient authority for the marshal to proceed to collect the same.

SEC. 21. It shall be the duty of the marshal to collect and receive the amount of taxes due from each individual, on or before the first day of November in each year, and in all cases where the taxes assessed are not paid by that time by any individual, it shall be the duty of the marshal to proceed and collect the same by distress and sale, giving ten days' previous notice of the time and place, by setting up three advertisements, in three of the most public places in said town.

SEC. 22. That in all cases where the taxes due and owing cannot be made out of the goods and chattels of such delinquent, it shall be the duty of the marshal to make sale of the lots or fractions of lots, belonging to such person, or so much thereof as will pay the taxes and costs due, giving twenty days' notice of the time and place of such sale, in some newspaper published in the county, if any; if not, by three advertisements posted in three public places in said town; in which notices he shall particularly describe the lot or lots to be sold, by their proper number, or some other certain description, with the owner's name, if known, or the name of the person to whom it is supposed to belong. The marshal, on the day of sale, by proclamation shall proceed to sell the lot or lots to the highest bidder, or to the person who shall pay the tax and costs due for the smallest portion of said lot or lots, and shall give to such person a certificate of such purchase, setting forth the quantity sold, the amount paid, including tax and costs, and that such purchaser will be entitled to receive a deed at the end of two years thereafter, unless the owner or owners, shall redeem the same on or before that time, by paying to said purchaser, his heirs or assigns, the amount of the purchase money, with one hundred per cent. per annum thereon, or deposit the sum with the clerk of the corporation.

SEC. 23. That in case the owner or owners of such lot or lots, so sold as aforesaid, his, her, or their agent or attorney, shall not pay the amount of the purchase money, with the per centum thereon, as aforesaid, within two years from the day of sale thereof, it shall be the duty of the marshal, who shall then be in office, to make a deed to the purchaser, his, her, or their heirs or assigns, for such lot or lots, which deed, acknowledged according to law, shall vest all right and title to said lot or lots, in the purchaser, and divest the original owner of any title thereto ; and the assessment made on such lot or lots, shall be a lien on the same, in the hands of any person, or after purchaser, who may purchase at private sale; and no conveyance made by the owner of such lot or lots, after the time of such assessment, shall so divest the owner or owners thereof, as to interfere with the title of a purchaser under the provisions of this act: *Provided*, That in all cases when lots are listed and sold, and the owner's name is not known, the sale shall be valid and good to the purchaser: *Provided further*, That no lot or part of lot shall be sold for taxes or improvements, under this act, unless personal property cannot be found on the premises, or within the corporation, on which to levy the same.

SEC. 24. The marshal may adjourn his sale of lots from day to day, for three days, and if, at the end of that time, any lot or lots should remain unsold for want of buyers, he shall make return thereof, and the amount of taxes and costs, and such lot or lots shall remain as a lien on such lot or lots, and shall be added to the next year's assessment, with one hundred per cent. thereon. The marshal shall be allowed a fee of fifty cents for each sale and certificate, including the costs of advertising, unless the same be made in a newspaper, in which case a reasonable allowance shall be made to the printer by the common council.

SEC. 25. It shall be the duty of the marshal to make return of his proceedings, and the sales made, to the clerk of the common council, on or before the first Monday in March, annually, and annually, at that time pay over to the treasurer all moneys by him collected, at which time he shall furnish a list of delinquents, for which he shall receive a credit, if deemed correct.

SEC. 26. In all bonds given to the corporation by officers, and all contracts entered into with the corporation, said corporation shall be named, "the President and Trustees of the town of Valparaiso," and in all suits commenced for the benefit of the corporation, and against the corporation, said corporation shall be styled "the President and Trustees of the town of Valparaiso;" without setting out the name of any member thereof.

SEC. 27. The common council shall have power to assess a tax, not exceeding five dollars per annum, on all licenses to retail spirituous liquors within the limits of said town; [and no person shall be authorized to sell by retail, any spirituous liquors within the corporate limits of said town,] without having first applied to said common council for such license, and paid the tax assessed thereon; and if any person shall violate the provisions of this section, every such person so offending, on conviction thereof, on presentment or indictment before any court of competent jurisdiction, shall be fined in any sum not exceeding twenty-five dollars, for the use of the said corporation: and they shall have power to levy and collect a tax, not exceeding three dollars, for each twenty-four hours, upon all goods and merchandize sold at auction, within the limits of said town, by any traveling and transient person or persons; and no such person shall be authorized to sell goods at auction within the limits of said corporation, without having first applied to said common council for such license, and paid the tax assessed thereon; and if any person shall violate any ordinance of the common council, passed by virtue of this section, every such person so offending, on conviction thereof, on presentment or indictment, before any court of competent jurisdiction, shall be fined in any sum not exceeding fifteen dollars, to be recovered in an action of debt for the use of said corporation.

SEC. 28. The common council shall have jurisdiction over the streets, lanes, alleys, and highways within said town, and shall have power to order the same to be opened, repaired, leveled, graded or

paved, and to cause cross and side walks, drains, sewers aqueducts, and culverts to be made in said streets, and shall cause the expenses of any such improvements, except for side-walks, to be paid out of the corporation treasury.

SEC. 29. The common council shall have power to define the width of all side-walks, and to cause the owners of property in said town to level, grade, pave, repair, and keep in repair all such side-walks in front of their property, at their own cost and charges; and on default of any such owner, shall have power to cause any such improvement or repair to be made in the most economical manner, and to assess the same as a tax against the property in front of which such improvement is made, and to collect the same in the same manner as is herein provided for the collection of other taxes; and all taxes assessed against any property in said town, whether under the provisions of this section or otherwise, shall operate as a lien upon such property from the time of the assessment thereof until the same is fully paid.

SEC. 30. Whenever the real estate of any infant, insane person, or married woman, shall be sold for taxes, by virtue of this act, every such person shall have the right to redeem the same at any time within two years after the removal of such disability.

SEC. 31. The boundaries of the said town as hereby incorporated, shall include all of the town plat of the said town of Valparaiso, as recorded in the recorder's office of said county, and all additions and enlargements made thereto; and whenever any addition or enlargement shall hereafter be made thereto, and recorded, the same shall, as soon as recorded, become a part of, and be included within the said corporation.

SEC. 32. It shall be the duty of the common council to lay off the said town into five wards, which shall be entered of record on the corporation books; and they shall have power, from time to time, to remove, change, and alter said wards, always having regard to the population thereof, and making the same as nearly equal as may be; and at all elections, after the first, one trustee, who is a resident of each [of] said wards, shall be elected; and all vacancies in the office of trustee, shall be filled by the appointment of a trustee who is a resident of the ward where the vacancy occurs.

SEC. 33. The marshal shall be a peace officer of said town; and in addition to the duties herein enjoined upon him as collector of the revenue, he shall execute and obey all the orders of the common council, and perform all other duties that may, from time to time, by ordinance or otherwise, be enjoined upon him by the common council.

SEC. 34. It shall be the duty of the common council, once in each year, to cause a full statement of their receipts and expenditures to be made out, and published in the same manner as herein provided for the publication of ordinances.

SEC. 35. This act shall be recognized as a public act by all courts, and shall be in force from and after its passage; and it shall be published in the Indiana State Sentinel.

CHAPTER XCIII.

An Act to incorporate the New Albany and Vincennes Plank Road Company.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That John Brown, Phineas M. Kent, John B. Ford, Ashbel P. Willard, and Clark Duval, of the county of Floyd; Nathaniel Albertson, of the county of Harrison; Charles Ellis, James A. Cravens, and James Alexander, of the county of Washington; John C. Alberts, Arthur J. Simpson, of the county of Orange; Aaron Houghton and Thomas J. Brooks, of the county of Martin; John Hiatt, Mathew L. Brett, and John Van Trees, of the county of Daviess; John Steen, John Wise, and Samuel Emerson of the county of Knox; be, and they are hereby appointed commissioners to open books at suitable places, in the State of Indiana, for subscriptions to the capital of a company for the construction of a plank road from New Albany to Vincennes, to be called the "New Albany and Vincennes Plank Road Company," at any time within one year from the passage of this act: *Provided*, Said commissioners, or any three of them, shall give thirty days' notice of the time and place of opening said books, by publishing in one or more newspapers published nearest the contemplated line of said road.

SEC. 2. Said commissioners, or any two of them, shall open said books in New Albany, and such other places as they may deem advisable, and keep the same open for at least three days, and such further time as they may designate, for subscription of stock to said company.

SEC. 3. Said commissioners, or the board of directors after being elected, may receive subscriptions in money, labor, materials, or other property, either real or personal; but no subscription in anything but money shall be finally accepted until approved by the board of directors. And when twenty-five thousand dollars shall have been subscribed as stock in said company, and the sum of five thousand [dollars] thereof, either in cash or approved promissory notes

given without relief from valuation or appraisement laws, shall have been received by said commissioners, it shall be their duty to order an election for directors of said company, to be held at some convenient place on said road, as they shall designate; giving at least twenty days' notice thereof in two or more newspapers published near the line of said road.

SEC. 4. All subscriptions to the stock of said company, other than cash, shall be received only at such valuation as the directors may affix.

SEC. 5. Said commissioners, or any three of them whom a majority may designate, shall attend said election and conduct the same by opening a poll and receiving votes between the hours of 10 o'clock, A. M., and 4 o'clock, P. M., of said day; and after the voting shall have been closed, they shall immediately open and count the ballots, and shall declare those to have been duly elected directors, who shall have received the highest number of votes.

SEC. 6. The directors of said company shall be eleven in number, six of whom shall constitute a quorum to do business. All vacancies shall be filled by the board of directors; and the person appointed shall serve until a new board is elected and qualified: *Provided, however*, That no person shall be eligible to hold the office of director who is not a stockholder in said company.

SEC. 7. At all elections for directors, each stockholder shall be entitled to one vote for each and every share of stock owned by him: *Provided*, No stockholder, after the first election, shall be entitled to vote, unless the stock by which he claims to vote shall have been held by him at least one month; all votes shall be cast in person, or by proxy, appointing an agent in writing, signed by said stockholder.

SEC. 8. The board of directors first chosen, according to the provisions of this act, shall meet at such time and place as a majority of the commissioners may designate, whose duty it shall be to give said directors notice thereof within ten days after such election; at which meeting it shall be the duty of said directors to appoint one of their number president of said board; and they shall appoint a secretary and treasurer of said company, whose duties, terms of service, and compensation shall, from time to time, be regulated by said board.

SEC. 9. Said board shall, at their first, or some subsequent meeting, fix the time of their next annual election of directors, not more than one year from the time of said meeting; and all subsequent elections for directors shall be held annually thereafter, and conducted in such manner as the board may provide.

SEC. 10. One month's notice for the election of directors at each annual election shall be given, by the publication thereof in two or more newspapers near the line of said road.

SEC. 11. Each board of directors shall continue in office for the term of one year, and until a new board are chosen and qualified;

and in case any annual election shall not be held on the proper day for holding the same, it shall be held at some early day thereafter, to be fixed and appointed by the directors then in office, giving the same notice thereof as required to be given for elections regularly held.

SEC. 12. The aforesaid commissioners, as soon as the first board of directors shall have been organized, or within ten days thereafter, shall deliver over to said board the subscription books of stock, and shall pay over to the order of said board all moneys or property received by them on such subscription; and in case any one or more of said commissioners shall fail, neglect, or refuse to do so, or shall have destroyed or concealed any of said books, with intent to defraud said company, or any stockholder or stockholders thereof, such commissioner or commissioners so offending, shall, upon conviction thereof, by presentment or indictment, be fined in any sum not exceeding ten thousand dollars, and be imprisoned at hard labor in the state prison, for a term of time not exceeding ten years nor less than one year.

SEC. 13. The board of directors of said company shall have power to supply vacancies in the offices of president, secretary, and treasurer of said company, and to meet from time to time, as often as may be thought expedient; to adjourn from time to time, as they think necessary; to adopt and establish such rules and regulations, and make by laws, not inconsistent with the laws of this State, as in their judgment the business of the company may require [and] are necessary for the better organization of the company, and to enable them to do and perform their duties, and carry out the designs of the powers granted by this act; and alter and amend at pleasure any by-law of said company as the said board may deem necessary; to appoint all subordinate officers, engineers, agents, and workmen that may be necessary to carry out the objects of said company; to demand, at such time and in such proportion as they shall see fit, the sums of money or subscriptions in labor or materials due by stockholders, on their respective subscriptions of stock, under pain of forfeiture to the company of the shares of their stock and all previous payments thereon, or of such other penalty as may be prescribed by the by-laws of said company, or to sue therefor and recover the amount due in action of debt or assumpsit, in any court of competent jurisdiction; to issue proper certificates of stock to the stockholders, and to determine in what manner and under what restrictions the shares of stock shall be transferable; to fix the compensation and prescribe the duties of the several officers and agents in the employ of the company; [to] require such bonds, obligations, and securities from the secretary, treasurer, and other officers of the company, as may be deemed necessary; to open, and continue open as long as necessary, books for the subscription of stock in said company; to acquire, purchase, sell, lease, and dispose of real estate, for the use of the company; to establish and construct toll-houses,

offices, mills, and all necessary structures, fixtures, machinery, and apparatus for building and keeping in good order said plank road; to order and cause to be made all estimates, surveys, and lettings of work, at such times and places as they may determine; to prescribe such form of contracts, rules, regulations, and specifications, for the performance of work, as they may judge proper; to make, and construct, and keep in constant repair said road; to make and declare dividends of profit and income of said road, and its appurtenances, mills, and such other sources of income as said company may have, among the stockholders, at such times as they may deem expedient; and do all other necessary and proper acts in accordance with the provisions of this act, according to its true intent and meaning.

SEC. 14. The said directors, when elected, and their successors in office, are hereby constituted a body corporate and politic, by the name and style of the "New Albany and Vincennes Plank Road Company," and by such name may sue and be sued, plead and be impleaded, answer and be answered unto, either in law or equity, in any court of competent jurisdiction in this State, and may make and adopt a common seal, and the same to alter at pleasure.

SEC. 15. The capital stock of said company may be two hundred thousand dollars, which may be increased at the pleasure of said company to any sum not exceeding three hundred thousand dollars, that may be deemed necessary to carry into effect the legitimate objects of said company; and said stock shall be deemed personal property.

SEC. 16. Said stock shall be divided into shares of twenty-five dollars each, and may be taken by any individual, corporation, company, township, or county, to be paid for, and at such times and period [as provided] in sections three and thirteen, (Nos. 3 and 13,) the payments being equal, *pro rata*, upon all the stockholders.

SEC. 17. The track of said road shall be constructed of timber, plank, gravel, or other hard material, so that the same shall form a hard, smooth, and even surface; the particular manner of building said road shall be determined by the directors of said company: *Provided*, The track of said road shall not be less than eight feet wide.

SEC. 18. Whenever six continuous miles of said road shall be made and completed, according to section eighteen [seventeen] of this act, then the said company may erect a half toll gate on said six miles so completed, and demand and receive tolls for passing the same at the rates hereinafter mentioned; and whenever said company shall make and complete any additional four miles of said road as herein required, then said company shall have the power to erect another half toll gate, and demand and receive toll for passing the same; and for every additional four miles of said road so completed, said company may erect half or whole toll gates, and at such places on said road as the directors of said company may judge for the best interest

of the company, and demand and receive toll for the passing said gates at the rates hereinafter mentioned.

SEC. 19. Whenever the president of this company shall file with the Governor a list of the subscribers to stock in said company, with the amount of stock of each subscriber, and shall add to said list his affidavit that said subscribers have subscribed for fifty thousand dollars of stock in said company, and that in his opinion the same is good and collectable, and that said subscribers have paid to said corporation five thousand dollars, on account of said subscriptions, then it shall be the duty of the Governor, within ten days, to issue his proclamation declaring said corporation fully organized; and that said corporation is fully authorized to take possession of the New Albany and Vincennes McAdamized Road, and then said corporation shall be fully empowered to take possession of, occupy, and use the New Albany and Vincennes McAdamized Road, from New Albany to Vincennes, and all the rights and privileges heretofore belonging to the State of Indiana, in regard to said McAdamized road, from said New Albany to Vincennes, together with the gates and houses erected for gate-keepers, be, and the same are hereby transferred to, and vested in said corporation.

SEC. 20. Said commissioners and directors in receiving subscriptions for said stock, shall require each subscriber to write after his name on said subscription book, the name of some county through which said road passes; and it shall be the duty of said directors, when ten thousand dollars is thus designated to any county, to commence the construction of a plank road in said county, at such points as they may deem best for the interests of said corporation, and they shall expend the full amount designated to said county until a plank road is completed through said county; but if more is designated to said county than is sufficient to construct a plank road through said county, then the directors may apply the surplus to continue the road in any adjoining county or counties; and it shall not be lawful for said directors to use any moneys arising from tolls on said road for the purposes of the first construction of said road; but the same shall be constructed entirely by the moneys and materials arising from the subscriptions of stock in said corporation; and the tolls collected on that part of said road, where a plank road is completed, after paying for repairs and expenses of officers, shall be divided among all the stockholders in said corporation, *pro rata*, except as hereinafter provided.

SEC. 21. The following shall be the rates of toll for each and every eight miles of said road; and in the same proportion for a greater or less distance, to-wit: for each and every four wheeled carriage, wagon or other vehicle, drawn by one horse or other animal, not exceeding twelve cents; for every horse, or other animal, in addition, four cents; for every cart, chaise or other two wheeled carriage of any description, drawn by one horse or other animal, not exceeding

eight cents—for every horse or other animal in addition, four cents; for every sleigh or sled, drawn by one horse or other animal, eight cents—for every horse or other animal in addition, four cents; for every coach, chariot or other pleasure carriage or vehicle, when used or designed chiefly for the conveyance of persons, drawn by one horse, twelve cents—for each additional horse, mule or other animal, in addition, four cents; for every horse, or mule and rider, five cents; for each horse, mule or ass six months old and upwards, led or driven, not exceeding three cents; for each head of neat cattle, six months old and upwards, not exceeding two cents; for each head of sheep or swine, not exceeding one-half cent.

Sec. 22. No person shall drag along or across said road, any log, wood, or timber, so that said log, wood, or timber comes in contact with said road, where made of plank or timber, under a penalty not exceeding twice the amount of damage done; to be sued for and collected by said company for their own use.

Sec. 23. No tolls shall be exacted of [any] person or persons while actually going to or returning from militia mustering, from any religious meeting on the Sabbath, or from any legal voter going to or from any State, county or township election, by any toll gatherers within the township in which said voter may reside, or from any person or persons forming a funeral procession or returning from a burial.

Sec. 24. The toll gatherers at each and every gate, when erected on said road in pursuance of this act, may detain and prevent from passing such gate, any carriage or animal subject to toll, until the toll thereon is paid.

Sec. 25. Any person who shall wilfully break or injure any gate on such road, which may have been erected in pursuance of the provisions of this act, or shall injure said road, or bridges belonging to said road, in any way, or forcibly or fraudulently passing [pass] such gate without having paid the legal toll, or to avoid the payment of legal toll, shall, with his team, carriage or animal, turn out of said road, or pass any gate thereon on ground adjacent thereto, and enter again on said road, shall, for each offence, forfeit a sum not exceeding ten dollars, to be sued for and collected by said company for their own use.

Sec. 26. Said company shall pay on the scrip legally issued, and outstanding against the said New Albany and Vincennes Road, ten per cent. per annum, including principal and interest, until the said scrip shall be redeemed: *Provided*, The same does not exceed the amount annually collected by tolls, after deducting the expenses.

Sec. 27. That the said company shall have the right to collect tolls on said turnpike road in like manner as the State now collects tolls: *Provided, however*, That said company shall not exercise said right until after the Governor shall have issued his proclamation, as hereinbefore is provided: *And provided further*, That said tolls shall not be collected by said company unless they shall keep the said road in good repair, and the right to collect tolls on said turnpike road shall enure to said company until the said plank road is finished.

Sec. 28. The State reserves to herself the right, at any time after the completion of said road, to purchase said road, by paying to said company the entire cost of constructing and keeping the same in repair, and the amount expended by said company in the redemption of outstanding scrip as aforesaid, with interest on the money paid for said scrip.

Sec. 29. The legislature may, at any time when said company shall have violated any of the provisions of this act, have power to repeal said act; and this act may, at any time, be altered or amended at the request of two-thirds of the stockholders of said company. The State shall, at their pleasure, after twenty years, have the right of redemption of said road, by paying to said company the appraised value of the then existing improvements that may have been made by said company, separate and apart from any work that may have been made by the State, the use by the company of the road for the time in their possession, to compensate for any wear and tear.

Sec. 30. This act shall take effect and be in force from and after its passage, and taken and deemed a public act, and shall be liberally construed to effect the objects contemplated.

CHAPTER XCIV.

An act to change the name of Levi Gear to that of Levi Frash.

[APPROVED FEBRUARY 12, 1851.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the name of Levi Gear, of Blackford county, be, and the same is hereby changed to that of Levi Frash, and shall hereafter be known by that name.

Sec. 2. This act to take effect and be in force from and after its passage.

CHAPTER XCV.

An act legalizing an order for the publication of the delinquent list for the year 1850, in DeKalb county.

[APPROVED FEBRUARY 12, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That an order for the publication of the delinquent list for the year 1850, made by the commissioners of DeKalb county, at a special session of their board, be, and the same is hereby legalized.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER XCVI.

An act to amend an act entitled "an act to establish a certain State Road therein named," approved February 16, 1848.

[APPROVED FEBRUARY 5, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of the State Road established by said act, in the title hereof referred to, as lies between the north-west corner of Hancock county and section No. four, in township No. sixteen, range six, in said county, be, and the same is hereby vacated.

SEC. 2. This act to take effect from and after its passage.

CHAPTER XCVII.

An act in relation to the streets and alleys in the town of Lexington, in Scott connty.

[APPROVED FEBRUARY 12, 1851.]

SECTION. 1. *Be it enacted by the General Assembly of the State of Indiana*, That it is hereby made the duty of the supervisor of roads in the districts in which the town of Lexington is situate, to cause to be removed all fences and other like obstructions now erected or which may hereafter be erected on or across any of the streets or alleys in said town.

SEC. 2. It shall be lawful for said supervisor, or for any voter, resident in said town, to notify the person erecting such fence or like obstructions, or the owner of the property enclosed by such fence, to remove such fence or like obstructions from off said street or alley; and on failure to remove the same within ten days from the time of giving said notice, the person erecting the same, or the owner of the property aforesaid, shall be deemed guilty of a misdemeanor, and on conviction before a justice of the peace, shall be fined any sum not less than one nor more than five dollars, and shall be liable to pay a like sum for each and every month said fence or like obstruction be allowed to remain thereafter; and such fines shall enure to the benefit of common schools.

SEC. 3. This act to be in force from and after its passage.

CHAPTER XCVIII.

An act to amend an act entitled "an act to incorporate the West Delphi Bridge Company," approved February 15th, 1838; and an act entitled an act to amend said act, approved January 23, 1847.

[APPROVED FEBRUARY 5, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the fourth section of said first named act be, and the same is hereby so amended as to strike out the words "two hundred shares," where it occurs in said section, and insert in place thereof, "forty shares."

SEC. 2. *Be it further enacted*, That instead of the persons named in the second section of the said amendment to said act, that James H. Stewart, Abner H. Bowen, Noah B. Dewey, Reed Case, and Henry Foreman, and their successors, constitute said company.

SEC. 3. *Be it further enacted*, That the third section of the first named act, and the third section of said amendment thereto, are hereby so amended that said company shall have four years from the passage of this act to open books of subscription to the stocks of said company, and said act and amendment, so far as they do not conflict with the provisions of this act, are hereby revived.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER XCIX.

An act relative to the borough of Vincennes.

[APPROVED FEBRUARY 8, 1851.]

WHEREAS, Doubts have been expressed as to the powers under the charter of the borough of Vincennes, of the president and trustees thereof, to construct wharves, landings and the streets adjacent and necessary for the same, and to defray the expense thereof, out of the general funds of said borough, and to collect wharfage on steamboats; wherefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it was and is hereby declared to be the true intent and meaning of the act, entitled "an act respecting the borough of Vincennes," approved January 27, 1836, to confer full power and authority upon the president and trustees of said borough, to construct docks, piers, wharves, basins, harbors, landings, and the necessary streets thereto, and to pay for the same, or any part thereof, out of the general funds of the said borough, so far as it may be thought best for the general interest of said borough; and full power and authority is hereby conferred on said president and trustees of said borough for the said purposes; and all acts heretofore done and performed by the said president and trustees within the aforesaid power and authority, so as above declared and defined, are hereby declared to be legal and valid to all intents and purposes.

SEC. 2. That the said president and trustees shall have full power and authority to levy and collect the reasonable and usual rates of wharfage on all steamboats and other crafts landing at any wharf so as above constructed, or to be constructed, with all powers usually granted to enforce said collections, by seizure or otherwise.

SEC. 3. This act to take effect and be in force from and after its passage, and shall be deemed and taken as a public act.

CHAPTER C.

An act for the relief of Rebecca Elder, of the county of Union, State of Indiana.

[APPROVED FEBRUARY 12, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be lawful for the Union Circuit Court, on the hearing of the application of the said Rebecca Elder for a divorce from her husband, William Elder, a resident of said county, to allow and admit as competent evidence the declarations and admissions of the said William, of his adultery with ———, and the ill treatment of him towards the said Rebecca Elder during the time of coverture; and the court is hereby authorized on the said trial of said bill, if the proof shall be deemed sufficient, to decree a divorce between the said parties, with or without other proof than his own admissions, to-wit, of the said William.

SEC. 2. This act to be in force from and after its passage, and a certified copy under the seal of this State shall be deemed sufficient proof of the passage of this act to the said court.

CHAPTER CI.

An Act for the relief of Michæl Grannin, Jr., late of Daviess county.

[APPROVED FEBRUARY 13, 1851.]

WHEREAS, It is represented to this General Assembly, that Michæl Grannin, late of Daviess county, in this State, being under age, and a native of Ireland, about the year A. D. 1840, purchased of the United States Government the south-east quarter of the north-west quarter of section ten, (10) in township three (3) north, of range five (5) west, lying in said county of Daviess, and died in the year A. D. 1843, without complying with the laws providing for the naturalization of such persons, and without becoming a citizen of the United States, and by virtue of the premises, said tract of land escheated to this State, and

WHEREAS, It is further represented, that the said Michæl Grannin was, previous to, and at the time of his death, desirous that said tract of land should descend, and be confirmed to Michæl Grannin, Jr., son of Bernard Grannin, of said county; Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the title to the said tract of land above described, be, and is hereby conveyed, confirmed to, and vested in the said Michæl Grannin, Jr., and his heirs and assigns, forever; and all the title and interest of the said State of Indiana, in and to said land, is hereby relinquished to the said Michæl Grannin, Jr., and his heirs and assigns, aforesaid: *Provided*, The said Michæl Grannin, Jr., shall make due proof of the death of the said Michæl Grannin, according to the rules govering *nuncupative* wills; and that it was the wish and desire of said decedent, at the time of his death, that the said tract of land should descend to the said Michæl Grannin, Jr., as next of kin to the said Michæl Grannin; which proof shall be made in the Daviess probate court, in open court, and entered on the records thereof; and on such proof being made, the said court shall order the clerk thereof to issue a certificate of title in favor of the said Michæl Grannin, Jr., for said land, shall be evidence of title to said Michæl Grannin, Jr., his heirs and assigns, forever.

SEC. 2. This act shall be in force and take effect from and after its passage.

CHAPTER CII.

An Act to amend an Act entitled "an Act for incorporating the Wabash Manual Labor College, and Teachers' Seminary," approved January 15, 1834.

[APPROVED FEBRUARY 8, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the act entitled "an Act incorporating the Wabash Manual Labor College, and Teachers' Seminary," be, and the same is hereby so amended that, the board of trustees shall have power to establish an agricultural department, the object of which shall be to explain the applications of science to the cultivation of the soil; and by lectures or otherwise to diffuse information respecting the theory and practice of farming.

SEC. 2. The board shall also have power to establish a normal school, for the purpose of qualifying persons to be teachers of common schools.

SEC. 3. They shall have also power to establish other departments, scientific and professional, and to appoint the requisite number of teachers, and to confer the usual degrees.

SEC. 4. The trustees are empowered to hold real estate to an amount not exceeding, at any one time, fifty thousand dollars, for the use of the college proper; and not exceeding thirty thousand dollars, for the use of the several departments contemplated in the foregoing sections; which said real estate, together with the library, apparatus, and other property requisite for the college and its several departments, shall be exempt from taxation for state and county purposes.

SEC. 5. The annual meeting of the board of trustees, shall be in July, and at said meeting the trustees shall, by an election by ballot, fill all vacancies occurring in their own body; and so much of section 2, in the act to which this is an amendment, as conflicts with this section, particularly the provision in reference to an election by all the contributors, and the holding of the annual meeting in March, is hereby repealed.

SEC. 6. The Institution, henceforth, shall be known by the name and style of Wabash College, and by this name the board shall have perpetual succession.

SEC. 7. This act shall be taken as a public act, and, together with the act to which it is amendatory, shall be liberally construed for every beneficial purpose hereby intended, and no omission to use any of the privileges hereby granted shall cause a forfeiture thereof; nor shall any gift, grant, purchase, sale or conveyance to or for the benefit of said corporation be defeated or prejudiced by any misnomer, misdescrition, or informality, whatever.

SEC. 8. This act shall take effect, and be in force from and after its passage, and its acceptance by the board; and sections 3, and 4, of the act to which this is an amendment, and all other parts of said act, which are inconsistent with this, are hereby repealed.

CHAPTER CIII.

An Act to amend an Act entitled "An Act to incorporate the Indianapolis and Brownsburg Plank Road Company;" approved January 18, 1850,

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That sections six, seven, eight, nine, fifteen, sixteen, seventeen, eighteen, and nineteen, of an Act entitled "An Act to authorize the construction of plank roads," approved January 15, 1850, shall form and constitute a part of the act incorporating the Indianapolis and Brownsburg Plank Road Company, and so much of the [act] entitled "an Act to incorporate the Indianapolis and Brownsburg Plank Road Company," approved January 18, 1850, as conflicts with the sections in this act enumerated, be, and the same is hereby repealed.

SEC. 2. That the directors of said company shall have power, a majority of the stockholders of said company assenting thereto, to set apart and fund such proportion of the net proceeds for tolls on said plank road, not exceeding such per cent thereof, as a majority of the stockholders may assent to, as they may think proper, to be used and expended in the repair, and re-construction of said road, when required.

SEC. 3. That the first section of the act to which this is an amendment be so amended, as to provide that said Company shall construct a Plank Road as in said act provided from Pittsborough, in Hendricks ounty, by way of Brownsburg, in said county of Hendricks, to Indianapolis, in Marion county.

SEC. 4. That so much of section seven of the act of which this act is amendatory, as provides that no stockholder shall be entitled to more than twenty votes, be, and the same is hereby repealed.

SEC. 5. Said road shall be opened not less than fifty feet, nor more than sixty feet in width.

SEC. 6. This act shall be deemed and taken to be a public act, and be in force from and after its passage.

CHAPTER CIV.

An act to incorporate the Aurora and Hartford Turnpike Company.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Allen B. Wilber, William Gerrard, Henry Miller, Nathaniel L. Squibb, of Ohio county; T. John Taylor, Henry Swift, and Alfred A. Adams, of Dearborn county, and their associates and successors, be, and they are hereby constituted a body politic and corporate, under the name and style of "Aurora and Hartford Turnpike Company," and by that name may contract and be contracted with, sue and prosecute, and be sued and prosecuted to final judgment and execution in all courts having competent jurisdiction, and do and perform all other things lawful for such company to do, and they are hereby invested with all the powers and privileges in any wise necessary and expedient to carry into effect the proper business of the association.

SEC. 2. The capital stock of said company shall consist of the sum of forty thousand dollars, which may be increased at any time to any sum not exceeding double that amount, that may be deemed necessary to carry into effect the legitimate objects of said company, and said stock shall be deemed as personal property.

SEC. 3. Said stock shall be divided into shares of twenty-five dollars each, and may be taken by any individual, corporation, company, township, or county, to be paid for in cash, at such time, in such portion, and upon such notice as the board of directors hereinafter provided may determine, the call being equal upon all the stockholders.

SEC. 4. Any three of the persons named in the first section of this act, shall constitute a quorum for doing business, and so soon as may be by them determined, shall, after giving twenty days' public notice of the time and places thereof, proceed to open books for subscriptions to the capital stock, and to do all other things necessary for the full organization of the company.

SEC. 5. In case a quorum shall fail to attend at the time and place agreed upon, those attending may either adjourn to another day, or they may consider the station of the absentees, or of any of them, as vacated, and appoint some other proper person or persons to fill the same.

SEC. 6. So soon as may be deemed expedient, after ten thousand dollars of the capital stock shall have been subscribed, said commissioners shall, by giving twenty days' notice thereof, appoint suitable time and place for holding an election for seven directors, each of whom shall be a stockholder to the amount of at least two

shares; said commissioners shall, in all things, manage such elections and give proper certificates to those elected, who shall hold their office for one year and until their successors are duly elected and qnalified.

Sec. 7. At said election, and at each subsequent election, each stockholder shall shall have one vote for each share, and each stockholder may vote in person or by proxy given in writing.

Sec. 8. The time, place, and manner of holding all subsequent elections of directors, shall be regulated by the by-laws of the company, except the election shall be annually, as near as may be.

Sec. 9. So soon as the first board of directors shall have been elected and sworn into office, said commissioners shall deliver over to them the subscription books, together with all other things belonging to the company; said directors shall choose a president, secretary, and treasurer, and this mode of organization and qualification shall be observed and continued by each subsequent board of directors, and a majority of said directors shall constitute a quorum to do business and supply any vacancies that may occur in their own body.

Sec. 10. Said company shall have power to view, mark, locate, and construct a turnpike road from Aurora, in Dearborn county, to Hartford, in Ohio county, crossing Laughery creek at or near Hanover ferry, and thence up the valley of Laughery creek, to Conway's ford; and should the company wish, and the public convenience require, said company may extend and continue said road westwardly, to intersect the Madison and Napoleon plank road, in Ripley county; and in constructing said turnpike, may follow such plans and use such materials as they may deem most expedient, and if it shall be found necessary and advantageous to the location and construction of said turnpike road, the company shall have the right to lay the same along and upon any State or county road.

Sec. 11. Said company may adopt such rules and regulations, and make such by-laws as in their judgment the business and affairs of the company require, and such as are expedient to perform the duties and carry out the powers vested by this act.

Sec. 12. They shall also have power to appoint all needful officers, and agents, and operatives, and require them, or any of them, to give such bonds as may be deemed necessary.

Sec. 13. To enforce the payment of all stock subscriptions, at such time and places, and in such proportions as may be directed, which payment may be enforced by forfeiture of the stock of [to] the company, together with any payment made thereon, or by suit.

Sec. 14. To issue certificates of stock and to regulate the mode of transferring the same.

Sec. 15. To acquire, lease, sell, and dispose of such real estate as may be expedient for the interest of the company.

Sec. 16. To enter upon and take possession of all land and

materials necessary for the location and construction of said road and its appendages, and to keep the same in repair, being accountable to the owners of land and materials for the reasonable value thereof.

Sec. 17. To erect, continue, and keep toll gates, and to establish charges, and collect tolls of all persons using said road.

Sec. 18. To make and declare dividends of the profits to the stockholders, and to do all other things proper to carry out the intent and meaning of this act.

Sec. 19. That in all cases when any person through whose land said road may run, shall refuse to relinquish his land, or permit the company to occupy the same, or when a contract with the parties cannot be made, it shall be lawful for the company to give notice to some justice of the peace in the township where such circumstances may exist or occur, and such justice shall thereupon summon the owner of the land to appear before him on a certain day within ten days thereafter, and shall call before him a jury of six disinterested men of the neighborhood, or such number as may be agreed upon by the parties, who shall, after having taken an oath faithfully and impartially to assess the damages, if any, view the land and materials, and taking into consideration the advantages and disadvantages the road may be to the same shall report thereon, whether such person is entitled to damages or not, and if any, what amount; and file such report with such justice, whereupon such justice shall enter judgment thereon, unless for good cause shown, or unless the damages shall exceed the sum of one hundred dollars. In case the damages exceed the sum of one hundred dollars, it shall be the duty of such justice to file the same, properly certified, in the circuit court of the proper county, and judgment shall be had thereon in the same manner as judgments are had upon appeals from justices of the peace; and in case either party can show good cause why the justice should grant a review, he shall order the same to be reviewed, either with or without costs. Either party may appeal to the circuit court of the proper county as in other cases, and the case there tried *de novo*, and final judgment rendered, and such court shall appoint reviewers, who may report at that, or the succeeding term of the said court, until which report judgment shall not be rendered.

Sec. 20. The following shall be the rates of toll for each and every ten miles of said road, and in the same proportion for a greator or less distance, to-wit: For every four-wheeled carriage, wagon, or other vehicle, drawn by one horse or other animal, not exceeding fifteen cents; for every horse or other animal in addition, five cents; for every cart, chaise, or other two-wheeled carriage, by one horse, ten cents; for every horse or other animal in addition, five cents; for every sled or sleigh drawn by one horse or other animal, five cents; for every horse or other animal in addition, five cents; for every coach, chariot, or other four-wheeled pleasure car-

riage, drawn by one horse or other animal, not exceeding fifteen cents; for every horse or other animal in addition, five cents; for every horse and rider, five cents; for every horse, mule, or ass, six months old and upwards, led or driven, not exceeding three cents; for every head of neat cattle six months old and upwards, not exceeding two cents; and each hog or sheep, one cent.

SEC. 21. If any person or persons using any part of said road, shall, with intent to defraud said Company, pass through any private gate or bars, or along any other ground near said road, or shall use any fraudulent means to lessen the payment of such toll, each and every person concerned in such fraudulent practice, shall for every such offence forfeit and pay to said company the sum of five dollars, without stay of execution, to be recovered in action of debt at the suit of the company, before any justice of the peace of the proper county: *Provided*, That nothing in this act shall be so construed as to prevent persons residing on said road from passing thereon about their premises, between the gates, for a common and every-day business.

SEC. 22. The board of directors of said company, or any agent by them lawfully authorized, shall have power to negotiate any loan or loans that may be by said company deemed expedient for carrying out any or all the objects contemplated by this act, and for the payment of such loans agreeably to the terms agreed upon, said company shall bind themselves by their bonds, which, when signed by the president and attested by the secretary, and duly ordered to be issued, shall be a valid lien upon all the stock and effects of said company in the order of their issue, and all the effects of said company in the order of their issue, and all the effects of said company both real and personal shall be deemed and taken as pledged for the punctual payment of the interest on said bonds and the ultimate redemption of the principal.

SEC. 23. When the bridge is finished across Laughery creek, at Hanover ferry, the company shall have the right to charge and collect the same rate of toll for crossing said bridge that is now authorized to be charged at the ferry near the mouth of said creek; but persons paying the regular toll at said bridge shall not be required to pay any more for using the turnpike road from said bridge to Aurora.

SEC. 24. The city council of the city of Aurora shall have the right to fix the starting point of said road within or at the southern limit of said corporation.

SEC. 25. This is hereby declared to be a public act, and to be in force from and after its passage.

CHAPTER CV.

An Act to incorporate the town of Bluffton, in Wells county, Indiana.

[APPROVED FEBRUARY 12, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the inhabitants of so much of the county of Wells, as is contained within the following boundaries, to-wit: commencing at the south-east corner of in-lot number (217) two hundred and seventeen, and running north on Liberty street to the Wabash river, thence north-west along the meanderings of said river, to the north-east corner of the burying ground, thence west to the north-west corner of out-lot number (22) twenty-two, thence south to the south-west corner of in-lot number (22) twenty-two, in Studebaker's addition to the town of Bluffton, thence south to a point where an extension of Cooper street would intersect, and thence east to the place of beginning, also to include all other additions that may be made to said town of Bluffton, after a proper plat of the same has been recorded in the recorder's office, *Provided*, That the out-lots in town twenty-seven, range twelve east, are excluded from taxation, are created a body corporate and politic, by the name and style (for corporation purposes) of the "Corporation of Bluffton," and by that name shall be capable of suing and being sued, contracting and being contracted with, pleading and being impleaded, answering and being answered unto, in all courts and places, either in law or equity, and in all places whatsoever.

SEC. 2. The qualified voters within the bounds of the above described territory, shall be required to meet on the first Monday of March, 1851, for the purpose of electing one mayor, four councilmen, one secretary, one treasurer, one street commissioner, and one marshal, and when so assembled, it shall be their duty to select one inspector, who shall select two judges, and two clerks, all of whom being duly sworn, shall proceed to conduct said election in the usual manner of conducting general elections.

SEC. 3. It shall be the duty of the inspector and judges of such election, to certify, under their hands and seals, the person or persons who received the highest number of votes for the several offices above designated, which certificate shall be filed, and put on record by the secretary of said corporation. The officers thus elected shall meet, within ten days after such election, or a majority of them, and after taking an oath or affirmation faithfully, diligently, and impartially, to discharge their duty in their several offices, shall be considered capable of transacting all business pertaining to this act of incorporation; and in case of any vacancy or vacancies in any of the above offices, the council shall have a right to fill such vacancy or vacancies.

riage, drawn by one horse or other animal, not exceeding fifteen cents; for every horse or other animal in addition, five cents; for every horse and rider, five cents; for every horse, mule, or ass, six months old and upwards, led or driven, not exceeding three cents; for every head of neat cattle six months old and upwards, not exceeding two cents; and each hog or sheep, one cent.

SEC. 21. If any person or persons using any part of said road, shall, with intent to defraud said Company, pass through any private gate or bars, or along any other ground near said road, or shall use any fraudulent means to lessen the payment of such toll, each and every person concerned in such fraudulent practice, shall for every such offence forfeit and pay to said company the sum of five dollars, without stay of execution, to be recovered in action of debt at the suit of the company, before any justice of the peace of the proper county: *Provided*, That nothing in this act shall be so construed as to prevent persons residing on said road from passing thereon about their premises, between the gates, for a common and every-day business.

SEC. 22. The board of directors of said company, or any agent by them lawfully authorized, shall have power to negotiate any loan or loans that may be by said company deemed expedient for carrying out any or all the objects contemplated by this act, and for the payment of such loans agreeably to the terms agreed upon, said company shall bind themselves by their bonds, which, when signed by the president and attested by the secretary, and duly ordered to be issued, shall be a valid lien upon all the stock and effects of said company in the order of their issue, and all the effects of said company in the order of their issue, and all the effects of said company both real and personal shall be deemed and taken as pledged for the punctual payment of the interest on said bonds and the ultimate redemption of the principal.

SEC. 23. When the bridge is finished across Laughery creek, at Hanover ferry, the company shall have the right to charge and collect the same rate of toll for crossing said bridge that is now authorized to be charged at the ferry near the mouth of said creek; but persons paying the regular toll at said bridge shall not be required to pay any more for using the turnpike road from said bridge to Aurora.

SEC. 24. The city council of the city of Aurora shall have the right to fix the starting point of said road within or at the southern limit of said corporation.

SEC. 25. This is hereby declared to be a public act, and to be in force from and after its passage.

CHAPTER CV.

An Act to incorporate the town of Bluffton, in Wells county, Indiana.

[APPROVED FEBRUARY 12, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the inhabitants of so much of the county of Wells, as is contained within the following boundaries, to-wit: commencing at the south-east corner of in-lot number (217) two hundred and seventeen, and running north on Liberty street to the Wabash river, thence north-west along the meanderings of said river, to the north-east corner of the burying ground, thence west to the north-west corner of out-lot number (22) twenty-two, thence south to the south-west corner of in-lot number (22) twenty-two, in Studebaker's addition to the town of Bluffton, thence south to a point where an extension of Cooper street would intersect, and thence east to the place of beginning, also to include all other additions that may be made to said town of Bluffton, after a proper plat of the same has been recorded in the recorder's office, *Provided*, That the out-lots in town twenty-seven, range twelve east, are excluded from taxation, are created a body corporate and politic, by the name and style (for corporation purposes) of the "Corporation of Bluffton," and by that name shall be capable of suing and being sued, contracting and being contracted with, pleading and being impleaded, answering and being answered unto, in all courts and places, either in law or equity, and in all places whatsoever.

SEC. 2. The qualified voters within the bounds of the above described territory, shall be required to meet on the first Monday of March, 1851, for the purpose of electing one mayor, four councilmen, one secretary, one treasurer, one street commissioner, and one marshal, and when so assembled, it shall be their duty to select one inspector, who shall select two judges, and two clerks, all of whom being duly sworn, shall proceed to conduct said election in the usual manner of conducting general elections.

SEC. 3. It shall be the duty of the inspector and judges of such election, to certify, under their hands and seals, the person or persons who received the highest number of votes for the several offices above designated, which certificate shall be filed, and put on record by the secretary of said corporation. The officers thus elected shall meet, within ten days after such election, or a majority of them, and after taking an oath or affirmation faithfully, diligently, and impartially, to discharge their duty in their several offices, shall be considered capable of transacting all business pertaining to this act of incorporation; and in case of any vacancy or vacancies in any of the above offices, the council shall have a right to fill such vacancy or vacancies.

And be it further enacted; That all such officers elected under this act, shall serve one year from the date of their election, and until their successors are elected and qualified.

And be it further enacted, That all or any person or persons elected to fill the several offices designated in this act, who refuse to serve, unless deterred by sickness, shall pay the sum of five dollars, to the proper officer of the corporation, for the benefit of such corporation.

SEC. 4. The Mayor, after taking the oath of office, shall enter into bond and security, to the satisfaction of the council, in the sum of one thousand dollars, payable to the State of Indiana, for the use of said corporation, for the faithful discharge and performance of his office, and shall be vested with all the powers of a justice of the peace, both in civil and criminal cases; and further, the said mayor shall preside at all meetings of said corporation; sign all laws enacted for the benefit of said corporation, and enforce the same.

SEC. 5. Within ten days after the election, the treasurer and marshal shall each enter into a bond and security (satisfactory to the proper officers of the council) for the faithful performance of their several duties as treasurer and marshal of said corporation, in a sum of not less than five hundred dollars, payable to the State of Indiana, for the use of the corporation, which bond and security shall be deposited with the secretary of said corporation, and upon which, suit may be brought for neglect of duty, in the name of the State of Indiana, for the use of said corporation.

SEC. 6. The marshal shall be invested with all the powers of a constable; serve all processes issued by the mayor, and be governed in all his official acts by the laws of the State of Indiana, regulating the duties of constables, and whose fees shall be the same in similar cases.

SEC. 7. The mayor and council shall have power to levy and collect tax on real and personal property, not exceeding one-fourth of one per centum, on its valuation, and all shows and exhibitions, or amusements, which may be exhibited for gain, not less than one, nor more than ten dollars, for every day's exhibition; and further said council shall have full have full power to pass such by-laws, or ordinances as may be necessary for the benefit and improvement of said corporation.

SEC. 8. The council of the corporation of Bluffton shall have power to sink wells for the accommodation of the public, to purchase fire engines, and to erect a scale or scales, (if necessary) to determine the weight of hay, etc.; to prevent the erection of nuisances, and remove the same; to regulate and govern the markets, and generally to enforce by penalties, the observance of all laws and ordinances relative to police, health, accommodation and government of said incorporated town.

SEC. 9. The secretary shall attend all meetings of the council;

shall make a record of all their proceedings in a book kept for that purpose, enter in said book all laws and ordinances, passed by said council; and when said council shall direct, it shall be the duty of said secretary to procure from the county auditor an abstract of all the taxable property within the bounds of said corporation, which abstract shall govern said secretary in making out his duplicate.

SEC. 10. It shall be the duty of the marshal, whenever he is furnished with a duplicate of taxes, to be collected, duly certified by the secretary of said corporation, to proceed to the collection of the same within such time as the council of said corporation may direct, and for such services the council shall allow what they may deem just and right.

SEC. 11. When the taxes on any property or lot, except personal property, cannot be collected without distress and sale, the marshal shall return the said delinquent property to the auditor of the county, with the amount of tax, interest, and penalty due said corporation, who shall enter said tax, interest, and penalty upon his duplicate, which tax, &c., shall be collected by the county treasurers under the same laws that state and county taxes are collected; and when so collected, the treasurer of said county shall pay over the same to the treasurer of said corporation.

SEC. 12. The bounds of said corporation shall constitue one road district, which shall be entirely under the control of the council of said corporation, who may order the street commissioner to make such improvements as they think proper; also, to prevent side-walks, streets, alleys, &c., from being obstructed, and also, said street commissioner to control and have full authority over the hands employed within the bounds of said district in the amount of labor that may be necessary, and also furnish the secretary of said corporation the length of time and the amount of such labor that each person has performed. Said street commissioner shall be allowed such compensation as the council may deem just.

SEC. 13. It shall not be lawful for any person or persons, within the bounds of said corporation to retail, by less quantities than one quart of spirituous liquors, foreign or domestic, or keep what is commonly called a tippling house, unless such person or persons shall, in addition to a license obtained from the county commissioners, obtain a license from the constituted authorities of said town, who are hereby authorized to grant the same for any term not exceeding twelve months at one time, on the applicant paying into the treasury of the corporation a sum of not less than twenty-five dollars, nor more than one hundred, as it may appear discretionary with the corporation authorities; and any person or persons retailing liquors contrary to this act, shall be punished in like manner as for retailing liquors without permit or license from the county board. And further, if any such vender or venders of ardent spirits are found guilty of selling spirituous liquors to any person who is already in-

toxicated, [he] shall pay the sum of ten dollars to the treasury of said corporation, and if a repetition of such act shall ensue, he shall be imprisoned in the county jail for twenty-four hours, and deprived of his license.

SEC. 14. All moneys arising from fines, license, exhibitions, and other sources accruing under the regulations of said corporation shall be paid into the treasury thereof, and shall be expended under the directions of the council to the improvements and repairs of the streets and such other improvements as the council may deem proper and just.

SEC. 15. This act to be in force from and after its passage.

CHAPTER CVI.

An act to amend an act entitled "an act to incorporate the Rushville and Muncietown Railroad Company," approved January 21, 1851.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter said Company shall be known and designated by the name of the "Union Railroad Company," and by such name may contract and be contracted with, sue and be sued, plead and be impleaded, and do all thing necessary and proper for said company to do, to carry out the objects of its creation.

SEC. 2. Said Union Railroad Company, in the construction of the road contemplated by the act to which this is an amendment, may so far deviate from the points designated therein as to construct their road from Rushville to intersect the Bellefontaine Railroad at or near the State line between the States of Ohio and Indiana, on such route as said company may select.

SEC. 3. This act shall be deemed a public act, and shall not be so construed as to alter or change any of the powers conferred upon said Company by the act to which this is an amendment, except as herein specified, and shall be in force from and after its passage.

CHAPTER CVII.

An act to amend an act entitled "an act to locate a State road from Crawfordsville, in Montgomery county, to Concord, in Tippecanoe county," approved January 21, 1850.

[APPROVED FEBRUARY 12, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the first section of the above entitled act be so amended as to strike out the words "Thornton and Attica," in said section and insert in lieu thereof the words, "at or near the Walnut grove."

SEC. 2. Nothing in this act contained shall be so construed as to in any way affect any act already done under the provisions of said act.

SEC. 3. This act shall be in force from and after its passage.

CHAPTER CVIII.

An act to legalize the survey and location of the Vistula State road in Elkhart county.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the location and survey, as originally made by the commissioners appointed for that purpose by authority of an act to locate a State road from South Bend, in St. Joseph county, via mouth of Elkhart and seat of justice in LaGrange county, to the east line of this State, in the direction of Vistula, on Maumee bay, in the State of Ohio, be and the same is hereby confirmed, the same as though the returns of said commissioners had been returned and recorded in proper time, so far as relates to Elkhart county.

SEC. 2. The width of said road in the county of Elkhart shall be sixty-six feet: *Provided, however*, That the width of said road, commencing one-half mile west of the village of Bristol and extending through said village and one-half mile east thereof, shall be ninety-nine feet.

SEC. 3. This act shall be in force from and after its passage.

CHAPTER CIX.

An act to amend an act entitled "an act to incorporate the Decatur, Portland, and Winchester Plank Road Company."

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the act entitled "an act to incorporate the Decatur, Portland, and Winchester Plank Road Company," be, and the same is hereby so amended that the boards doing county business in either of the counties through which said road may be located, may subscribe stock to said company: *Provided, however*, That the amount subscribed in any one county shall not exceed the sum of two thousand dollars.

SEC. 2. The township trustees in the several townships through which the said road may be located, are hereby authorized, and it is made their duty to subscribe stock to said company in behalf of their townships respectively, under the following restrictions:

SEC. 3. That before any subscription of stock, [as] is contemplated in the last section, shall be made, it shall be the duty of the several township trustees of the townships through which said road may be located, at the April election in A. D., 1851, and may at any general or April election thereafter, by giving ten days' previous notice thereof, open a poll for the purpose of taking a vote of qualified voters of the said townships, whether they are in favor of said trustees subscribing stock as aforesaid, and those in favor thereof shall endorse "subscription" upon their tickets, and those opposed shall endorse "no subscription" upon their tickets, and the majority of the legal qualified voters of said townships shall determine the question, and the said trustees shall govern themselves accordingly.

SEC. 4. That within twenty days after such vote, as aforesaid, shall have been taken, if a majority of all of the voters of said townships shall vote in favor of such subscription, the trustees of the several townships so voting in favor thereof shall subscribe stock to said company in accordance with this act; and on the first day of June thereafter, shall assess a tax upon each acre of taxable land in said townships, of one and one-fourth cent per acre, and upon town property with the improvements thereon, twenty-five cents on one hundred dollars valuation thereof, which tax shall continue from year to year until the whole amount subscribed by said trustees shall be paid in.

SEC. 5. Said tax shall be assessed and collected in the same manner as township taxes are assessed and collected, and when collected shall be paid to the treasury of said company upon a warrant drawn by the county auditor upon the county treasurer, and it shall be the

duty of the president of said company to give certificates of stock to the county and townships, as is contemplated in this act.

SEC. 6. This act to be in force from and after its passage, and all laws coming in conflict with the provisions of this act are hereby repealed. And it is hereby made the duty of the secretary of state forthwith to forward a copy of this act to each of the auditors of the counties of Randolph, Jay, and Blackford.

CHAPTER CX.

An act to amend an act entitled "an act to incorporate the Knightstown and Shelbyville Rail Road Company."

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all persons claiming damages from said company for the right of way for said railroad, or for materials, shall file their claims within one year from the passage of this act, and if said claim is not filed within one year it shall be forfeited.

SEC. 2. This act shall be in force from and after its passage.

CHAPTER CXI.

An act authorizing the removal of drift and obstructions in Little river, in the counties of Allen and Huntington.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the supervisors of roads in the districts in Lafayette and Aboite townships, in Allen county, and in Jackson and Union townships, in Huntington county, are hereby authorized to remove the drift and obstructions in Little river in said townships.

SEC. 2. That the qualified voters of said townships shall, at the

next spring election, determine whether they are in favor of applying a portion of the road tax assessed in said townships to the removal of the drift and obstructions from said river; and if a majority of said voters are in favor of such application of said road tax, then they shall also determine how much of said tax shall be annually expended by said supervisors for the purpose aforesaid; and the inspectors of elections in said townships are hereby authorized and required to open a poll for the purposes in this act specified.

Sec. 3. The supervisors of roads and highways in said townships are hereby required to faithfully expend the money appropriated in pursuance of the provisions of the second section of this act, in improving the channel of said stream by removing the drift and obstructions therefrom; and the said supervisors shall be liable to the same fine and penalties for failing or neglecting their duties as herein required, as supervisors of roads and highways are subject by law.

Sec. 4. This act shall take effect and be in force from and after its passage.

CHAPTER CXII.

An act to amend an act entitled "an act to incorporate the Centreville and Abington Turnpike Company," approved 12th February, 1848.

[APPROVED FEBRUARY 13, 1851.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board of directors of the Centreville and Abington Turnpike Company shall have power to levy a tax on the stockholders not exceeding twenty per cent. on the amount of stock by them held, for the purpose of finishing and paying the liabilities of said company; and on the collection of such tax, to either issue stock to each stockholder to the amount thereof, or order the same to be paid out of the first proceeds of toll on said road, at the discretion of the board.

Sec. 2. This act to be in force from and after its passage.

CHAPTER CXIII.

An act to authorize William M. Miller, administrator of the estate of James K. Hemphill, to make a deed to John Vawter.

[APPROVED FEBRUARY 13, 1851.]

Whereas, It appears that the north-east quarter of section 27, township 11 north, of range 2 east, situate in the county of Morgan, and State of Indiana, was sold to John Vawter by James Blair, as administrator of the estate of James K. Hemphill, deceased, late of Monroe county, and that there is no proper record of such sale on file in the probate court of said Monroe county; and it appearing that said sale was a *bona fide* one, and to the interest of the heirs of said estate, and all parties being willing thereto; Therefore,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That William M. Miller, the present administrator of said estate, be, and he is hereby authorized to execute to said Vawter, a deed of conveyance to said tract of land, upon said Vawter paying to said Miller the purchase money therefor, which said conveyance shall vest all the interest which said estate have in and to said tract of land.

Sec. 2. This act to be in force from and after its passage.

CHAPTER CXIV.

An act for the relief of John H. Cutter, surviving partner of B. G. Cutter & Co.

[APPROVED FEBRUARY 13, 1851.]

Whereas, It appears from the testimony of John C. Bayless and Benoni B. Cutter, that B. G. Cutter & Co., of Louisville, Kentucky, was, in the year 1841, possessed of a "one thousand dollar Indiana bond," bearing five per cent. interest:

And Whereas, Said bond, while in the possession of B. G. Cutter & Co., was, in February, 1849, destroyed by fire; therefore,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the auditor of State be authorized to issue to John H.

Cutter, surviving partner of B. G. Cutter & Co., a bond for one thousand dollars, bearing five per cent. interest from the first day of January, 1841, to be governed in its final redemption by the laws now in force relative to the State bonds.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CXV.

An act to vacate a part of Jennings and Jackson streets, in the town of Rushville.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all of Jennings street, commencing five rods west of Morgan street, thence west to Jackson street, and all of Jackson street, commencing at Jennings street, thence south to Elizabeth street, is hereby vacated.

SEC. 2. This act shall be in force from and after its passage.

CHAPTER CXVI.

An act to change the name of Anne Able, of Martin county, to Anne Henderson.

[APPROVED FEBRUARY 5, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the name of Anne Able, of Martin county, formerly wife of Hiram Able, late of said county, be, and [the same] is hereby changed to that of Anne Henderson, and by said name of Anne Henderson she shall hereafter be legally known and designated.

SEC. 2. This act shall be in force from and after its passage.

CHAPTER CXVII.

An act to legalize the sale of lands and town lots for taxes, in Spencer county, on the first Monday in January, 1851.

[APPROVED FEBRUARY 12, 1851.]

WHEREAS, The lists of lands and town lots in the county of Spencer, delinquent for the non-payment of taxes, for the year 1849, was advertised by posting three lists of the same in said county, prior to the day of sale, by the auditor of said county, giving ample notice thereof to all concerned; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the aforesaid advertisement shall be held to be a good and sufficient advertisement in law, and the said sale of lands on the first day of January, 1851, is hereby legalized and confirmed.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER CXVIII.

An Act to change the name of Howard Allen.

[APPROVED FEBRUARY 12, 1851.]

WHEREAS, It is represented to this General Assembly of the State of Indiana, by the petition of Henry P. Werts and Presly Thompson, that one Henry Allen of Elkhart county, did, on or about the first day of December, A. D. 1849, abandon his wife and child, and left for parts unknown; and,

WHEREAS, The wife of the said Allen has since deceased, leaving said child friendless; and that Henry P. Werts, of said county has charitably taken possession of said child, and is desirous of adopting said child as his own, and extend to it a liberal education; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the name of Howard Allen, of the county of Elkhart, be and is hereby changed to, and shall hereafter be Howard

Werts, and by said last mentioned name, he shall hereafter be known and be entitled to all the privileges he would be without the passage of this act.

SEC. 2. That the said Henry P. Werts shall have the custody and control of the person of the said Howard Werts, and the care of his maintainance and education, with all such rights and authority as if the said Howard Werts was the legal issue of the said Henry P. Werts: *Provided*, Nothing herein contained shall be so construed as to prevent the overseers of the poor, or other proper authority, from exercising their legal authority over said Howard Werts, should the said Henry P. Werts misuse, ill treat or abandon the said Howard Werts.

SEC. 3. This act to take effect, and be in force from and after its passage.

CHAPTER CXIX.

An Act to authorize certain school districts in Adams county to draw their proportion of the common school funds.

[APPROVED FEBRUARY 14, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it is hereby made the duty of the township treasurer of congressional township number twenty-six north, of range thirteen east, in Adams county, to pay over any and all money in his hands that may be due, or shall hereafter become due, to any school district in said township, for the purpose of teaching a German school: *Provided*, The said treasurer is satisfied that a majority of the citizens of said district are in favor of a German school.

SEC. 2. This act to be in force from and after its passage; and it is hereby made the duty of the Secretary of State to forward a copy of this act to the auditor of Adams county, forthwith.

SEC. 3. All laws conflicting with the provisions of this act, are ereby repealed.

CHAPTER CXX.

An act to amend an act entitled "an act to revise and consolidate the several acts of the General Assembly relative to laying out, opening, repairing, changing and vacating public highways, and to the erection and repair of bridges," and to amend the same so far as the same relates to the county of Putnam.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the proviso to section one hundred and twenty-nine, in the above recited act, together with all local laws relative to roads and highways in the county of Putnam, be repealed, and that said law be declared in full force and virtue together with all acts amendatory thereto, of a general nature, so far as the county of Putnam is concerned.

SEC. 2. It shall be the duty of the Secretary of State to forward to the auditor of said county one hundred and fifty copies of said act, as required in section one hundred and twenty-seven.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CXXI.

An act to amend an act entitled "an act to incorporate the town of Clinton, in Vermillion county," approved February 14, 1848.

[APPROVED FEBRUARY 12, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the president and directors of the town of Clinton, shall, at some meeting of their board during the month of April, each year, appoint a street supervisor, whose duty it shall be to call out the citizens of said town, subject to perform labor on the streets or highways, to work upon the streets of said town, in the same manner and for the same length of time as required by the laws now in force, regulating the performance of labor upon roads and highways.

SEC. 2. The supervisor appointed under the provisions of this

act, shall be governed in all respects by the laws now in force governing supervisors of roads and highways, and shall be entitled to receive from the county auditor a list of persons subject to pay a road tax within said corporation, and the amount thereof, in the same manner as supervisors are furnished therewith, and shall receive the same compensation for his services as other supervisors of roads and highways.

SEC. 3. The trustees of said town are hereby empowered to require the street supervisor to cause any portion of the road work due from citizens of the town of Clinton, to be done and performed upon any state or county road leading from said town to the distance of one-half mile from the limits of said incorporation; and the citizens of said incorporation, subject to perform labor upon the streets aforesaid, shall be liable to work upon said State and county roads in the same manner as they are now or are by this act made liable to work upon the streets of said town.

SEC. 4. This act to be in force from and after its passage.

CHAPTER CXXII.

An act for the relief of Hezekiah A. Sutton, of Jackson county.

[APPROVED FEBRUARY 12, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Hezekiah A. Sutton, of Jackson county, in the State of Indiana, be, and he is hereby authorized to file a petition for divorce from his wife, Phœbe Sutton, in the circuit court of any county in the second judicial circuit, and said circuit court shall take jurisdiction of such petition and determine the same, in the same manner as if the said Hezekiah A. Sutton were a resident of the county in which such circuit court is held.

SEC. 2. This act shall be in force from and after its passage.

CHAPTER CXXIII.

An act to locate a State Road from Dover Hill, in Martin county, to Bloomington, in Monroe county.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That William Mercer, of Martin county, John Rains, of Lawrence county, and William F. Browning, of Monroe county, be, and are hereby appointed commissioners to view, mark, lay out, and locate a State road from Dover Hill, in said county of Martin, to Bloomington, in said county of Monroe, by way of the Sulphur creek bridge, near the Indian springs, in the county of Martin aforesaid.

SEC. 2. It shall be lawful for said commissioners, or any two of them, to meet at Dover Hill aforesaid, or at some other point near the proposed line of said road, at any time between the first day of April and the first day of November next, and after being duly sworn, faithfully to discharge their duties as such commissioners, and to proceed to view, mark, lay out, and locate a State road from Dover Hill aforesaid, in said county of Martin, to Bloomington, as aforesaid, in said county of Monroe, by the way of said Sulphur creek bridge in the county of Martin; and it shall be lawful for said commissioners, in locating said road, to intersect and follow any State or county road between any of said points, so far as the same may be thought practicable or most convenient to the public good; and said commissioners are authorized to employ a surveyor, together with such assistants as may be necessary to assist them in the discharge of the duties hereby enjoined upon them by this act.

SEC. 3. It shall be the duty of said commissioners, after they have completed the location of said road, to make out their report in writing to each of the boards of commissioners of the several counties through which the same may pass, describing, as nearly as possible, the route over which said road runs in the county, to the board of which said report is made, and file the said reports in the auditors' offices of the several counties aforesaid.

SEC. 4. It shall be the duty of the several county auditors of the counties aforesaid, or the persons doing the business of county auditors, to lay said reports before the county boards of their respective counties, at their next session after filing said reports as aforesaid; and if no sufficient reason is shown to the contrary, said county boards shall order said road to be recorded, and to be opened and worked, as other public highways of this State.

SEC. 5. It shall be the duty of the county boards aforesaid to

make an allowance to said commissioners for their services, and also to their assistants and surveyor, if any be employed, in such sum or sums as may be deemed reasonable, taking into consideration the time they were necessarily employed in the county making such allowance.

SEC. 6. This act shall be in force from and after its passage.

CHAPTER CXXIV.

An act to locate and establish a State Road in the counties of Allen and Adams.

[APPROVED FEBRUARY 12, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Isaac Herod, of Allen county, and P. N. Collins, of the county of Adams, be, and they are hereby appointed commissioners to view, mark, and locate, a State road, beginning at the Allen county line, where the old Wayne trace crosses said line, thence on said line, or as near thereto as circumstances will permit, to Seventeen Mile creek; thence east until it intersects the county road from Flat Rock to Decatur; thence south to the south-west corner of section thirteen, in Root township; thence east to the township line, thence south on the township line between Root and Union, St. Marys and Washington, to the Piqua and Fort Wayne State road.

SEC. 2. Said commissioners shall meet at such time as they may agree upon, and after being duly sworn or affirmed according to law, proceed to survey, mark, and locate said road, and may employ all necessary chainmen and markers.

SEC. 3. The said commissioners shall make out a report of their proceedings and file the same with the county auditor of Adams county, who shall record the same; from which time said road shall be deemed a public highway, and the expenses of said survey shall be paid by the county of Adams.

SEC. 4. This act to be in force from and after its passage.

CHAPTER CXXV.

An act to incorporate the Peru Hotel Company.

[APPROVED FEBRUARY 12, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That William Smith, Charles Foote, George L. Dart, Ira Stanley, John Shields, and James T. Miller, and their associates, and successors, and assignees, be, and they are hereby made a corporation, by the name of the "Peru Hotel Company," for the purpose of building a hotel in the town of Peru, in the county of Miami, and keeping, renting, or leasing the same, and for this purpose shall have all the powers and privileges, and be subject to all the duties and requisitions contained in the statutes of 1843, chapter 32, article 2, respecting corporations.

SEC. 2. The capital stock of said corporation shall not exceed thirty thousand dollars, and the said corporation may purchase, and be lawfully seized and possessed of such real estate as may be necessary and convenient for the purpose aforesaid, not exceeding the value of fifteen thousand dollars, exclusive of buildings and improvements that may be made thereon by the corporation.

SEC. 3. This act shall take effect and be in force as a public act, for the term of fifty years, from and after its passage, unless said corporation shall be sooner voluntarily dissolved by the stockholders, of which due public notice shall be given.

CHAPTER CXXVI.

An act to amend an act entitled "an act to incorporate the Moors Hill and Aurora Turnpike Company," approved February 15, 1848.

[APPROVED FEBRUARY 12, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the president and directors of the Moors Hill and Aurora Turnpike Company, as soon as they have erected and finished a bridge across Hogan creek, at the place where said turnpike crosses said creek, may erect a gate at either end of said bridge, and charge and receive toll, at a rate not to exceed the amount

allowed by the act to which this is an amendment, for traveling five miles on said turnpike: *Provided, however*, That persons traveling through, and paying toll at one or more gates of said turnpike, shall not be subjected to paying toll for crossing said bridge.

SEC. 2. It shall not be lawful for said company to charge or receive any toll from persons crossing said bridge, going to, or returning from divine worship, or going to or returning from a funeral, or going to or returning from any general or township election.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CXXVII.

An act to authorize an extension of the Knightstown and Shelbyville Railroad.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the president and directors of the Knightstown and Shelbyville Railroad Company be, and they are hereby authorized, under the restrictions, limitations, and conditions contained in their original charter and amendments thereto, to extend their said road from Knightstown, by way of New Castle, in Henry county, to Muncie, in Delaware county; and also from Newcastle, aforesaid, to Winchester, in Randolph county, so soon as said company shall have completed said road to the said town of Muncie.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CXXVIII.

An act to incorporate the Bellville Branch Railroad Company.

[APPROVED FEBRUARY 12, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Cyrus Hunt, Jesse Faulkner, Thomas Irons, James N. Pope, and William Cravens, of the county of Hendricks, and State of Indiana, and their successors in office, duly elected as hereinafter provided, are hereby constituted a body politic and corporate, by the name of "The Bellville Branch Railroad Company," and by such name shall be capable to sue and be sued, plead and be impleaded, answer and be answered unto, either in law or equity, in any court of competent jurisdiction in this State: and shall have power to make and use a common seal, and the same to alter at pleasure; and to make contracts and enforce the same, and to establish and put in force such by-laws, rules, and regulations as may be necessary to carry into effect the provisions of this act, not inconsistent with the laws and constitution of this State and of the United States.

SEC. 2. The capital stock of said company shall be twenty thousand dollars, divided into shares of twenty-five dollars each.

SEC. 3. The directors named in this act, or a majority of them, may meet at such time and place as they may agree upon, and organize said corporation by the election of one of their body as president, and a majority of said board shall constitute a quorum to do business.

SEC. 4. So soon as five thousand dollars are subscribed to the capital stock of said company, it shall be the duty of the corporation to give three weeks' notice thereof by publication in some newspaper, or by written notices, on, or near the line of said road; and in such notice to appoint a time and place for such stockholders to meet and elect five directors, who shall be stockholders; and said election shall be conducted by two judges, appointed by the stockholders present, and the persons having a plurality of votes given and counted in public shall be declared duly elected.

SEC. 5. The corporation, by their agents, shall have full power, from time to time, to examine, survey, locate and construct a railroad of a single or double track, commencing at the town of Bellville, in Hendricks county, Indiana, and running on the best ground for the interest of the company and the public convenience, northwardly, to the line of the Terre Haute and Richmond railroad company, in said county of Hendricks.

SEC. 6. Said company may make such arrangements and contracts with the Terre Haute and Richmond Railroad Company, in regard to the intersecting the road of the last named company, and in relation to constructing said road or furnishing stock and materials by said last named company, for the completion or construction of said branch railroad, and in relation to running and carrying freight and passengers thereon, as said companies may respectively agree upon, and all such contracts and arrangements made by and between said companies, shall be, and the same are hereby declared to be valid and binding between said companies.

SEC. 7. All the provisions of an act entitled "an act to incorporate the Terre Haute and Richmond Railroad Company," approved January 26, 1847, not inconsistent with the foregoing sections of this act and not heretofore amended, together with the amendments thereto, so far as the same are applicable, are hereby declared to be a part of this act.

SEC. 8. This act shall be taken and deemed a public act, and shall be in force from and after its passage.

CHAPTER CXXIX.

An act for the benefit of the Mount Vernon and New Harmony Plank Road Company.

[APPROVED FEBRUARY 13, 1851.]

WHEREAS, It is represented to the General Assembly of the State of Indiana, that some irregularities are supposed to have taken place in the organization of the Mount Vernon and New Harmony Plank Road Company; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all the proceedings of the Mount Vernon and New Harmony Plank Road Company, in the organization of the same, be, and the same are hereby legalized, and the said company declared to have and possess all the rights, powers, privileges, and immunities which of right it could have and enjoy, if all the requisites to its organization, and the location of said road had been fully and in all respects complied with, according to law.

SEC. 2. That all the acts, contracts, and proceedings of said company, after its organization as aforesaid, in and about the construction of said road, in all matters and things relating thereto and connected therewith, be taken and deemed in all respects as legal and effectual in law or equity as if all laws had been fully complied with in the formation and organization of said company.

SEC. 3. That the said company shall have power and authority to construct lateral roads to the main road from Mount Vernon to New Harmony, at any point or points upon the same, and for such distance or distances as said company may determine, upon the subscription of stock according to law, and in the same manner may extend said road at either end of the same.

SEC. 4. That said extension of said road, or said lateral road or roads, when so constructed, shall be governed in all respects as the main road now is, or may hereafter be governed by the laws of the State and the by-laws of said company: *Provided*, Toll may be charged on said extension, or lateral road or roads, for any distance the same may be constructed.

SEC. 5. That in all suits, actions, and prosecutions, dealings and contracts, the original name or title of said company may be used, notwithstanding the extension or construction of lateral branches to the same.

SEC. 6. Said company is hereby authorized to receive additional subscriptions of stock to construct said extension or extensions, lateral road or road, to be collected and expended for the same by the officers of said company, and said extension or extensions, lateral road or roads, shall be laid out, constructed, and governed in all respects by the general plank road laws which are not inconsistent with this act.

SEC. 7. Said extension or extensions, road or roads, when so constructed, shall be under the control and direction of said company and subject to all the by-laws enacted by the same.

SEC. 8. This act to take effect and be in force from and after its passage.

CHAPTER CXXX.

An act to amend the charter of the town of Bloomington, in the county of Monroe.

[APPROVED FEBRUARY 12, 1851.]

SECTION. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the corporate limits of the town of Bloomington, shall hereafter be as follows, to-wit: Said town corporate shall include the south-east quarter of section thirty-two, in township nine north, of range one west; and the south west quarter of section thirty-three, in township nine north, of range one west, and also the following described territory, to-wit: beginning at the south-west corner of Seminary out-lot number sixty; thence east with, and including the street to the south-east corner of Seminary out-lot number seventy-six; thence north with, and including the street to the

south-east corner of said quarter section, secondly above mentioned.

SEC. 2. The number of trustees in the common council of said town is hereby increased to eleven, to be elected and qualified as heretofore, and to be distributed among the wards of said town, as the common council thereof shall order and appoint.

SEC. 3. Said common council shall have power to divide and subdivide the territory of said town, within the corporate limits of the same, into wards, for the election of trustees, and to alter the same at pleasure: *Provided*, That no change therein shall be established within a period of three months next preceding the annual election therein: and, *Provided*, Public notice shall be given of all such changes, in the same manner as other ordinances of said council are required by law to be published.

SEC. 4. The corporate name of said body shall hereafter be "The Council of Bloomington," and the mayor, or recorder and seven trustees, shall be necessary to form a quorum for the transaction of business.

SEC. 5. The marshal of said town shall give bond in the same amount and same manner as is by law required of the mayor.

SEC. 6. The marshal of said town may appoint one or more deputies and shall be responsible on his official bond for the acts of the same in their office; and the marshal shall be *ex officio* street commissioner and road supervisor, within the corporate limits.

SEC. 7. The council shall annually appoint an assessor for the said town corporate, whose duty it shall be to make an assessment of taxes for the corporation, in the same manner as is now required by law of the township assessor of Bloomington township, in said county, subject to the provisions of law.

SEC. 8. Each able-bodied male citizen of the age of twenty-one years and under the age of fifty years, who shall have resided within the corporate limits of said town for three months before the time of assessing the taxes, shall be required to pay, and shall be assessed with a road tax of one dollar, to be assessed and collected as other corporation taxes, to be applied to the roads, streets, and alleys of said town, which may be discharged by two days' work on said roads, streets, and alleys, at such time and place as the marshal shall direct, and under his supervision; and the receipt of the marshal for said road tax shall be taken in discharge of the same; and the said council shall not be required to work, or cause to be worked, any roads without the corporate limits of said town.

SEC. 9. No amendment shall hereafter be made to the charter of said town, unless the same shall have been published in a newspaper in said town, or by written or printed advertisements set up in some conspicuous place in each ward, at least three weeks previous to its introduction into the legislature.

SEC. 10. All fines assessed and collected by the mayor or recorder, shall be paid over to the treasurer of said town corporate, and shall be expended within the corporate limits of the same for road purposes.

SEC. 11. This act to be in force from and after the last day of February, A. D. 1851: *Provided, however*, That the extension of the corporate limits of the town of Bloomington, as in this act contemplated, shall not take effect and be in force until a majority of the male citizens over the age of twenty-one years and who are residing on, or owning lands or lots within the territory hereby proposed to be included within the corporate limits aforesaid, and who, according to the municipal laws of said town, would, if included, be liable to pay any municipal tax, shall assent thereto, under their hands, on the record book of the council of said town; but in any event the council of said town shall have full and complete jurisdiction over the streets and alleys leading to the graveyard, for the purpose of opening and keeping the same in repair; and all laws and parts of laws conflicting with the provisions of this act are hereby repealed.

CHAPTER CXXXI.

An act in relation to the Northern Indiana Railroad Company.

[APPROVED FEBRUARY 8, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the said Northern Indiana Railroad Company be, and it is hereby authorized and required to construct, and maintain, and operate a branch railroad from its main line at the village of Elkhart, in the county of Elkhart, to the village of Goshen, in said county, by the first day of August, 1852: *Provided*, The citizens of Goshen and in its vicinity subscribe to the capital stock of said company the sum of twenty-five thousand dollars, in good, solvent subscription, by the first day of March, 1851, and will thereafter, before the time for the completion of said road, subscribe an additional amount to said stock sufficient to cover the cost of the right of way for said branch road, and also donate to said company suitable depot grounds, at Goshen, in a quantity of not less than six acres, and situate in a convenient place for the business of said vil-

lage of Goshen. That if said company shall fail to comply with the provisions of this section, this act shall become null and void.

SEC. 2. That said company is hereby authorized, empowered, and required to extend said branch of said road from Goshen easterly to the eastern line of this State, through the counties of Lagrange and Steuben, on the best and most suitable ground, in the most direct course toward Toledo, in the State of Ohio, and with the assent of the State of Ohio, to the city of Toledo; and it is expressly declared that the said company shall and will expend and outlay upon and toward the construction of that part of the said line lying within the counties of Lagrange and Steuben, the sum of seventy-five thousand dollars, within four years next ensuing from the passage of this act, and shall and will finish the entire line of said road through the counties of Lagrange and Steuben, as aforesaid, to the said city of Toledo, within six years after the passage of this act; and in case said company shall fail or refuse to comply with either of the provisions in this section within the time, manner, and place specified herein, all the rights and privileges granted under or by this act and any act to which this is amendatory or to which it refers, and under any other act, shall from thence become absolutely null and void: *Provided, however*, That said company shall not be required either to make such expenditure of (seventy-five thousand dollars,) $75,000, or to finish the entire line specified, unless there shall be subscribed by good and *bone fide* subscription to the capital stock of said company, within the counties of Lagrange and Steuben, a sum, in the aggregate, not less than (thirty thousand dollars,) $30,000, to be subscribed and paid in similar instalments, and at such times as other subscriptions are to be paid, for the construction of said branch road, and as called for by the board of directors of said company, for the construction of said branch within the said four years, and to be expended and outlaid upon and towards the construction of that part of said line lying within said counties of Lagrange and Steuben. The intention of this provision being to secure the expenditure and outlay within the ensuing four years from the passage of this act, of the aggregate sum of one hundred and five thousand dollars upon and towards the construction of that part of said line lying in said counties as above specified: *Provided, further*, That said subscriptions to be made in the said counties shall not be required unless the board of directors of said company open books of subscription at the county seats of Lagrange and Steuben, and of which time and place of opening said books at least (thirty) 30 days' notice shall be previously given, and at which time and place said books shall be kept open for the term of time of at least twenty days, and the subscribers to such stock in said counties shall be allowed to pay their stock subscriptions in cash, or in work, labor, or materials for such road within the respective counties: *Provided*, That a failure of the

company to open and keep open books of subscription as in this section provided, and a consequent failure of the counties of Lagrange and Steuben, or citizens thereof, to subscribe the stock in this section contemplated shall in nowise operate to exonerate or release said company from expending the said sum of one hundred and five thousand dollars, within the time of four years, as aforesaid, within the counties of Lagrange and Steuben, or from completing the entire line from Goshen, through the said counties, to Toledo, within the time of six years as in this act provided.

SEC. 3. For the purpose of providing means for the payment of its debts and for the construction, extension, and completion of its railroad, from Michigan city, by the way of Laporte, South Bend, Elkhart, Bristol, and thence north-easterly to the north line of this State, and its branches in this act mentioned, shops, depots, buildings, and equipments, said company may issue its corporate bonds or obligations for such amounts, not less than five hundred dollars, and in the aggregate not exceeding its capital stock, and in such form as it may deem proper, and payable at such times and places, upon such terms, and with such rates of interest, not exceeding eight per cent. per annum, as it may determine; and may secure the payment of the whole, or any portion of such bonds or obligations, by mortgage of the road or other property of said company; and said company may sell, dispose of, and negotiate such bonds or other obligations, either within or without this State, at such rates, for such prices, not less, however, than ninety cents on the dollar, and on such terms as said company may determine; and in case said bonds or obligations, or any of them, shall be thus sold, disposed of, or negotiated at a discount, not exceeding ten cents on the dollar, said sale, disposal, or negotiation, shall be as valid and effectual as if said bonds or obligations had been sold, disposed of, or negotiated at their par value; and said bonds or obligations shall be valid and binding as a security for the whole sum, payable by the terms thereof, in the same manner as if they had been sold, disposed of, or negotiated at their par value.

SEC. 4. That in all cases where any person, through whose land the said road may run, shall refuse to relinquish the same, or when a contract between the parties cannot be made, it shall be lawful for the corporation to give notice to some justice of the peace in the county where the difficulties may occur, that such facts do exist, and such justice of the peace shall thereupon summon the owner of such land to appear before him on a particular day, within ten days thereafter, and shall appoint three disinterested persons of the neighborhood, who shall, after taking an oath, faithfully and impartially to assess the damages, if any, view the lands or materials, and after having taken into consideration the advantages as well as disadvantages the road may be to the same, and shall report thereon whether such person is entitled to damages or not, and if so,

how much, and shall file such report with such justice, whereupon such justice shall enter judgment thereon, unless for good cause shown; and in case either party should show sufficient cause why judgment should not be entered, the justice may grant a review of the premises, either with or without the costs: *Provided*, That either party may, at any stage of the proceedings, appeal to the circuit court of the proper county, as in other cases; and such court shall appoint reviewers, as above directed, who may report at that, or the ensuing term, at the discretion of the court; and the judgment of the circuit court shall be final. And in all cases when the owner or owners of such land or materials shall be minors, insane persons, non-residents of the county in which the land is situate, or where the name or residence of the owner shall be unknown to the company, such justice shall cause three notices of the application made, and of the day fixed for the appointment of reviewers, to be posted up in three of the most public places in the county, and if no person shall attend on the day named in said notices, the justice shall adjourn the same until that day two weeks, at which time he shall proceed as if such person or persons had been duly notified to attend; and on such judgment being rendered and the company complying therewith by the payment of costs or damages awarded against them, the corporation shall be seized of the lands or materials; costs shall be allowed or awarded against either party at the discretion of the justice.

Sec. 5. In cases of any appeal from the judgment of any justice of the peace upon any report of any jury for the appraised amount of damages, touching the right of way, or for lands taken for the purpose of constructing thereon the road of said company, as provided in its charter and amendments thereto, such appeal shall not prevent the said company from proceeding in the construction of said road over such lands, nor deprive it of its right of entry thereon for that purpose, which right is hereby expressly granted: *Provided*, That before said company shall so enter and construct said road, it shall either tender to the owner of said lands the full amount of damages which shall have been adjudged to him or her, or shall pay the same into the court to which such appeal may be taken, subject to the order of said court; and every such appeal shall be taken in twenty days from the rendition of said judgment, and not afterward; and the acceptance of the amount of the judgment, when tendered, shall, in all cases, be taken to be a waiver of the right to appeal, and a certified copy of the transcript of the judgment of the said justice of the peace, or of the court to which such appeal shall be taken, may be taken by the company and caused to be recorded in the recorder's office of the county where said lands are situate, and such record shall be notice to all the world of the right of the company. And if, in case of any appeal, judgment shall be recovered against said company for

a larger amount than was recovered before said justice, then said company shall, within sixty days from the date of said judgment, pay the difference between the amount of the judgment before the justice and that before the said court, in case the amount of the judgment before the justice shall have been previously paid into court, and if not, then the whole amount of said judgment in the appellate court, shall be paid to the owner of said land within the same time, or in default thereof, execution may be issued therefor. And in case it shall at any time be found that the said company is, or shall be in possession of land, the title to which has not been made perfect in said company, it may obtain title to the same by appraisal judgment, and the payment therefor, as in other cases provided for in said charter and amendments thereto.

Sec. 6. Said company are hereby authorized to construct a branch from their main line between South Bend and Laporte to the village of Terre Coupee, in the county of St. Joseph, and they are hereby required to construct and put the same in operation within three years from the passage of this act.

Sec. 7. The capital stock of said company shall be one million five hundred thousand dollars, in shares of one hundred dollars each, and may be increased, from time to time, to any sum not exceeding three millions of dollars; and each share of stock shall entitle the holder to one vote.

Sec. 8. This act to be in force from and after its passage and acceptance by said company.

CHAPTER CXXXII.

An act to incorporate the Danville and White Lick Plank Road Company.

[APPROVED FEBRUARY 12, 1851.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That William L. Matlock, Abraham Bland, Benjamin Hickman, Simon Hornaday, Jesse Kennedy, James Moore, and Silas Bryant, of Hendricks county, Indiana, and such other persons as they shall associate with them, and their successors, be, and they are hereby constituted a body politic and corporate, to have perpet-

nal existence and succession, and be known and styled as "The Danville and White Lick Plank Road Company."

SEC. 2. The capital stock of said company shall be twenty thousand dollars, to be divided into shares of twenty-five dollars each, and said company is hereby invested with power to increase said capital stock to any sum not exceeding thirty thousand dollars.

SEC. 3. The persons in the first section named, or a majority of them, shall meet at such time and place, prior to the first Monday of July next, and organize said company by electing out of said number a president, secretary, and treasurer; and after such organization, shall immediately proceed to open books of subscription to the capital stock of said company at Danville, and such other places as they may deem expedient, to receive subscription to the capital stock of said company; and said books shall be opened at such times and under such regulations as may be directed by the president aforesaid.

SEC. 4. The books of subscription to said stock shall contain the following entry and caption: "The Danville and White Lick Plank Road Company. We, the undersigned, promise to pay to the Danville and White Lick Plank Road Company, twenty-five dollars for each share of stock set opposite our names, at such times and in such sums as said company may direct."

SEC. 5. So soon as three thousand dollars capital stock of said company shall be subscribed, the president of said company shall call a meeting of the stockholders therein, by publication in a weekly newspaper printed in said county of Hendricks, at least twenty days prior to said meeting, giving notice of the time and place of said meeting; and the said stockholders, or such of them as may meet at the time and place thus appointed, shall then, and annually thereafter, proceed and elect seven of their number as directors, who, with the president, shall hold their office until the first Monday of March next succeeding, and until their successors are chosen and qualified, and any vacancy which may occur in any of said offices, by death, resignation, or otherwise, may be supplied at any meeting of the stockholders. The annual meeting shall be held on the first Monday in March.

SEC. 6. Certificates of stock shall be issued to the stockholders, signed by the president and secretary; and the stock shall be transferred on the books of the company, in such manner as the directors may, by the by-laws, prescribe; but the company shall, at all times, hold a lien on all stock for any dues from the stockholders thereof, to said company, or for sums that may thereafter become due on contracts made prior to said transfer.

SEC. 7. Said company and its directors shall keep a journal of their proceedings at any regular or special meeting, and such proceedings drawn up and signed by the president and secretary, shall

be *prima facie* evidence of the facts therein stated, in all courts of justice and other places.

SEC. 8. The capital of said company shall be payable in such sums, and at such times as the directors, at any stated meeting, may require; and said company may prescribe such penalties and forfeitures for the non-payment of any assessment ordered to be paid on said stock as they may deem proper. Notice of all assessments shall be given by publication in some weekly newspaper printed and published in said county of Hendricks, for at least thirty days before the same is required to be paid.

SEC. 9. Said company shall have power, and are hereby authorized to survey and locate a road from Danville, in Hendricks county, to Cartersburgh, in the same county, and from thence to the Central Plank Road, at such point on said Central Plank Road, in said county, and on such route as said company may designate; and they shall be authorized and empowered to enter upon any highway or public road, and appropriate the same to the construction of a plank or gravel road, and such highway or public road shall thereupon become, to all intents and purposes, the property of said company; said company may take conveyances and releases of all the necessary lands over which said road may be located, and for such land or lots as may be necessary for the construction thereon of such depots and warehouses as said company may see proper to construct, and any such release may be executed by any infant, *feme covert*, guardian, administrator, or executor, and shall be as valid and effectual in law as if such person or party so executing the same were of full age and sold [sole,] or had done the same personally, and any such release executed by any guardian, executor, or administrator, if approved of by the proper probate court, shall bind the heirs, estates, creditors, legatees, and devises thereof.

SEC. 10. For the purpose of locating and constructing said road, it shall be lawful for said company, by their agents or persons in their employ to enter upon any lands, to make surveys and estimates, and to take from the land occupied by said road, any stone or gravel, timber, or other material necessary to construct said road and the bridges thereon.

SEC. 11. If any person or persons owning lands upon which said road may be located, shall refuse to relinquish the same for the use thereof, and no satisfactory contract can be made with such owners by said company therefor, it shall be lawful for said company to give notice to some justice of the peace of the proper county, who shall thereupon summon the owner of said land, if a resident of the county, to appear before him on a day to be named, and within ten days thereof, and if the parties cannot then agree, said justice shall issue a venire for three disinterested, discreet men of the county, whom he shall select as arbitrators, and such arbitrators, after having taken an oath or affirmation, faithfully and im-

partially to assess the damages, if any, to any such lands on which such damages are claimed, and shall determine the same, duly considered the advantages and disadvantages of said road to said owner, and shall make a report thereof to such justice, who, thereupon, shall enter judgment upon such finding, from which either party may appeal to the proper circuit court; but no such appeal shall stay the progress or proceeding of the company in opening and constructing such road on said lands.

SEC. 12. If the owner named in the foregoing section, be a minor, or insane person, or non-resident of the county, said justice of the peace shall cause three written notices to be posted up in the township in which said lands lie, giving notice of the time and place of such arbitration and assessment, and if no person appears, he shall appoint some disinterested person to act on behalf of such absentee and then proceed as in other cases; costs shall be awarded by the arbitrator.

SEC. 13. In case said company shall require for the use of said road any stone, gravel, timber, or other materials, from the lands of any person adjoining to or near said road, and said company cannot contract with the owner for the same, said company may proceed in like manner and have the value of any such materials assessed, as is prescribed in the eleventh and twelfth sections, except as to estimating the advantages of said road; and in any such case of lands and materials, said company may take the possession of, and use the same, immediately upon having paid to the justice of the peace, for the use of the owner of such land or materials, the sum, if any, which may have been assessed therefor, notwithstanding any appeal which may be pending in the matter.

SEC. 14. If any person or persons, body politic or corporate, upon whose lands said road may be located and constructed, shall not, within six months after such road is completed upon said lands, demand of said company payment or damages for the lands so taken or occupied, such person or persons, body politic or corporate, and all persons claiming, by, through, or under them, shall be forever barred from asserting or sustaining any action to recover said lands, or any damages on account of the appropriation thereof.

SEC. 15. Said road may be commenced by said company so soon as three thousand dollars of the capital stock shall be subscribed; and the company hereby created shall cause said road to be opened not less than forty feet wide, nor more than one hundred feet wide; and that portion of it constructed of plank shall consist of a permanent single track plankway, with proper grades and structures of earth on one or both sides of said plankway, to enable teams and vehicles conveniently to pass each other; such plankway to be of a width which said company may determine; and upon such portions as may be McAdamized, or graveled, or of earth, the work part shall not be less than twenty feet wide.

SEC. 16. The directors of said road may receive labor, materials, and personal property, in payment of subscriptions of stock to said company, at the estimated value thereof, as made by said directors.

SEC. 17. Said company shall commence said road within two years from the passage of this act, and shall cause books for the subscription of stock in said road to be opened at such time and place as may be directed by the president of said company, not less than twice in each year, until the whole amount of stock necessary for the completion of said road shall be taken; and said stock shall be expended in the prosecution of said road as fast as paid in to said directors.

SEC. 18. Whenever four miles of said road shall be completed, a gate may be erected thereon. After said road shall be completed, said company may erect and maintain toll-gates at such points, and at such distances from each other as they may deem proper; and the tolls which may be charged upon said road, and payable at the gates erected thereon, shall not exceed the following rates, for every eight miles distance traveled thereon, and in proportion for any greater or less distance, to-wit: For every four-wheeled coach, carriage, buggy, or other vehicle, drawn by one horse, or other animal, fifteen cents; for every horse or other animal in addition thereto, five cents; for every cart or two-wheeled vehicle, drawn by one horse or other animal, twelve cents; for every horse or other animal additional thereto, five cents; for every sled or sleigh, drawn by one horse or other animal, ten cents; for every horse or other additional animal thereto, five cents; for every horse, mule, or ass, six months old or upwards, two cents; for every head of neat cattle, six months old or upwards, two cents; for every hog, sheep, or other animal not herein enumerated, one cent each.

SEC. 19. The company may make and publish all ordinances and by-laws which they may deem proper, not inconsistent with the laws of this State, in order to regulate the travel on said road, and also the rules to be observed, which may be deemed for the welfare of said company; and any person wilfully violating any ordinance or by-law made by said company, shall forfeit and pay the sum of five dollars, to be sued for and collected by said company in an action of debt before any justice of the peace of the county where the offender may be found.

SEC. 20. Said company shall put up a stone or post at the end of every mile with the proper inscription thereon; and at, or near each toll gate, a statement of the rates of toll charged on said road.

SEC. 21. If any toll-gatherer or gate-keeper on said road unreasonably detain any person or passenger after the toll has been tendered, or shall demand or receive greater toll than is by this act allowed, he shall, for every such offence, forfeit and pay a sum not

exceeding ten dollars to the said person and passenger, to be recovered before any justice of the peace having jurisdiction, within twenty days after the occurrence.

SEC. 22. If any person or persons using any part of said road shall, with intent to defraud said company, pass through any private gate or bars, or along any other ground near said road, to avoid any toll gate, or make any untrue statement of the distance which he or they may have traveled or may intend to travel on the road, or shall practice any fraud to lessen or avoid the payment of toll, each and every person concerned in such fraudulent practice, shall, for every such offence, forfeit the sum of ten dollars, which shall be recovered, in the name of said company, in an action of debt before any justice of peace of the county wherein the offender may be found, to be collected without regard to stay of execution, or relief from valuation or appraisement laws: *Provided*, That nothing herein contained shall prevent persons resident on or near the line of said road from passing thereon, between the gates, about the premises, for ordinary business.

SEC. 23. If any agent, treasurer, or toll-gatherer, or other person to whose possession or custody any of the moneys of said corporation shall come or be placed, shall convert any of the said moneys to his own use, or make way with the same in any manner, he shall be deemed guilty of embezzlement, and shall be punished upon conviction, upon indictment found, in the same manner as if he had feloniously stolen the same. The neglect and refusal of any such person to pay over on demand to said company or their proper agent, any moneys in his hands belonging to said company, shall be deemed *prima facie* evidence that he has embezzled the same.

SEC. 24. The said corporation may purchase and hold real estate, separate and distinct from that on which said road may be located and constructed, to an amount not exceeding ten thousand dollars.

SEC. 25. The president and directors of said company shall be individually liable for all debts contracted by them in the prosecution of said road over and above the amount of solvent stock subscribed.

SEC. 26. This act shall be taken and deemed to be a public act, and shall be in force from and after its passage.

CHAPTER CXXXIII.

An act to incorporte the Danville and Claysville Plank Road Company.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Richard Worrell, George W. Wills, Richard Martin, John T. Hamrick, Josephus C. Simmons, English C. Crawford, Andrew B Shelladay, Thomas Nichols, John M. Commingor, Hardin Osborn, Amos S. Wills, William Cassaday, Charles Downs, and Joshua D. Parker, of Hendricks county and State of Indiana, and such other persons as they shall associate with them, be, and their successors are hereby constituted a body politic and corporate, to have perpetual existence and succession, and be known and styled as the Danville and Claysville Plank Road Company.

SEC. 2. The capital stock of said company shall be twenty thousand dollars, to be divided into shares of twenty-five dollars each; and said company is hereby invested with power to increase said capital stock to any sum not exceeding thirty thousand dollars.

SEC. 3. The persons in the first section named, or a majority of them shall meet at such time and place prior to the first Monday of July next as may be designated by notice thereof in some newspaper printed and published nearest to said contemplated road, and organize said company by electing out of said number a president, secretary, and treasurer; and, after such organization, shall immediately proceed to open books of subscription to the stock of said company at Danville and Claysville, and at such other places as they may deem expedient, to receive subscription to the capital stock of said company; and said books shall be opened at such times and under such regulations as may be directed by the president aforesaid.

SEC. 4. The books of subscription to said stock shall contain the following entry and caption: "The Danville and Claysville Plank Road Company. We, the undersigned, severally, and not jointly, promise to pay to the Danville and Claysville Plank Road Company twenty-five dollars for each share of stock set opposite our respective names, at such times and in such sums as said company may direct."

SEC. 5. So soon as three thousand dollars capital stock of said company shall be subscribed, the said president of said company shall call a meeting of the stockholders therein, by a publication in some weekly newspaper printed and published at Danville, or by written notices set up in some public place in Danville and Claysville, at least twenty days prior to said meeting, giving notice of the time

and place of said meeting; and the said stockholders, or such of them as may meet at the time and place thus appointed, shall then, and annually thereafter proceed and elect five of their number as directors, who, with the president, shall hold their offices until the first Monday of March next succeeding and until their successors are chosen; and any vacancy which may occur in any of said offices by death, resignation, or otherwise, may be supplied at any meeting of the stockholders. The annual meeting shall be held on the first Monday of March.

Sec. 6. Certificates of stock shall be given to stockholders, signed by the president and secretary, and the stock shall be transferred on the books of the company in such manner as the directors may, by by-laws, prescribe; but the company shall, at all times, hold a lien upon all stock for any dues from the holders thereof to said company, or for sums that may thereafter become due on contracts made prior to the said transfer.

Sec. 7. Said company and its directors shall keep a journal of their proceedings at any regular or special meeting; and such proceedings, drawn up and signed by the president and secretary, shall be *prima facie* evidence of the facts therein stated in all the courts of justice and other places.

Sec. 8. The capital stock of said company shall be payable in such sums and at such times as the directors, at any stated meeting, may require; and said company may prescribe such penalties and forfeitures for the non-payment of any assessment ordered to be paid on said stock as they may think proper. Notice of all assessments shall be given by publication in some weekly newspaper printed and published in Danville, or by written notices put up at three of the most public places in Danville and Claysville, for at least thirty days before the same is required to be paid.

Sec. 9. Said company shall have power and are hereby authorized to survey and locate a road from Danville, in Hendricks county, to Claysville, in the same county, on the section line running from Danville to Claysville; and said company may extend said road to the Central Plank Road, at such point as the directors may designate; and shall be authorized and empowered to enter upon any highway or public road and appropriate the same to the construction of said plank road, and such highway or public road shall thereupon become, to all intents and purposes, the property of said company. Said company may take conveyances and releases of all the necessary lands over which said road may be located, and any such releases may be executed by any infant, *feme covert*, guardian, administrator, or executor, and shall be as valid and effectual in law as if such person or party so executing the same were of full age, sole, or had done the same personally, and any such release executed by any guardian, executor, or administrator, if approved

of by the proper probate court, shall bind the heirs, estates, creditors, legatees, and devises thereof.

Sec. 10. For the purpose of locating and constructing said road it shall be lawful for said company, by their agent or persons in their employ, to enter upon any lands to make surveys and estimates, and to take from the land occupied by said road any stone, gravel, timber or other material necessary to construct said road and the bridges thereon.

Sec. 11. If any person or persons, body politic or corporate, owning lands upon which said road may be located, shall refuse to relinquish the same for the use thereof, and no satisfactory contract can be made with such owners by said company therefor, it shall be lawful for said company to give notice to some justice of the peace of the proper county, who shall thereupon summon the owner of said land, if a resident of the county, to appear before him on a day to be named, and within ten days thereof, and if the parties cannot then agree, said justice shall issue a venire for three disinterested, discreet men of the county, whom he shall select as arbitrators; and such arbitrators, after having taken an oath or affirmation faithfully and impartially to assess the damages, if any, to any such lands, shall view the lands on which such damages are claimed, and shall determine the same, duly considering the advantages and disadvantages of said road to said owner, and shall make a report thereof to such justice, who thereupon shall enter judgment upon such finding, from which either party, however, may appeal to the proper circuit court; but no such appeal shall stay the progress or proceedings of the company in opening and constructing such road on said lands.

Sec. 12. If the owner named in the foregoing section be a minor, or insane person, or non-resident of the county, said justice shall cause three notices to be posted up in the township in which said lands lie, giving notice of the time and place of such arbitration and assessment, and if no person appears he shall appoint some disinterested person to act on behalf of such absentees, and then proceed as in other cases; costs shall be awarded by the arbitrators.

Sec. 13. In case said company shall require for the use of said road any stone, gravel, timber or other material from the lands of any person adjoining to or near said road and said company cannot contract with the owner for the same, said company may proceed in like manner and have the value of any such materials assessed as is prescribed in the eleventh and twelfth sections, except as to estimating the advantages of said road; and in any such case of lands and materials said company may take the possession of and use the same immediately upon having paid to the justice of the peace, for the use of the owner of such lands or materials, the sum, if any, which may have been assessd therefor, notwithstanding any appeal which may be pending in the matter.

SEC. 14. If any person or persons, body politic or corporate, upon whose lands said road may be located and constructed, shall not, within six months after said road is completed upon said lands, demand of said company payment or damages for the lands so taken or occupied, such person or persons, body politic or corporate, and all persons claiming by, through, or under them, shall be forever barred from asserting or sustaining any action to recover said lands or damages on account of the appropriation thereof.

SEC. 15. Said road may be commenced by said company so soon as three thousand dollars of the capital stock shall be subscribed; and the company hereby created shall cause said road to be opened not less than forty nor more than one hundred feet wide, and that portion of it constructed of plank shall consist of a permanent single track plankway, with proper grades and structures of earth on one or both sides of said plankway to enable teams and vehicles conveniently to pass each other; such plankway to be of a width which said company may determine and upon such portions as may be McAdamized, or graveled, or of earth, the work part shall not be less than twenty feet wide.

SEC. 16. The directors of said road may receive labor, materials, and personal property, in payment of subscriptions of stock to said company, at the estimated value thereof as made by said directors.

SEC. 17. Said company shall commence said road within two years from the passage of this act, and shall cause books for the subscription of stock in said road to be opened at such time and place as may be directed by the president of said road, not less than twice in each year until the whole amount of stock necessary for the completion of said road shall be taken; and said stock shall be expended in the prosecution of said road as fast as paid in to said directors.

SEC. 18. Whenever four miles of said road shall be completed a gate may be erected thereon, and so on for every additional four miles until the whole is completed. After said road shall be completed said company may erect and maintain toll gates at such points and at such distances from each other as they may deem proper, and tolls which may be charged upon said road and payable at the gates erected thereon, shall not exceed the following rates, for every eight miles distance traveled thereon and in proportion for any greater or less distance, to-wit: For every four-wheeled coach, carriage, buggy, or other vehicle drawn by one horse or other animal, fifteen cents; for every horse or other animal in addition thereto, five cents; for every cart or other two-wheeled vehicle drawn by one horse or other animal, twelve cents; for every horse or other animal additional thereto, five cents; for every sled or sleigh drawn by one horse or other animal, ten cents; for every horse or other animal in additional thereto, five cents; for every horse, mule, or ass, six months old or upwards, led or driven, three cents; for every head of neat cattle six months old or upwards, two cents; for every hog, sheep, or other animal not herein enumerated, one cent each.

SEC. 19. The company may make and publish any and all ordinances and by-laws which they may deem proper, not inconsistent with the laws of this State, in order to regulate the travel on said road, and also the rules to be observed which may be deemed for the welfare of said company; and any person willfully violating any ordinance or by-law made by said company, shall forfeit and pay the sum of five dollars, to be sued for and collected by said company in an action of debt before any justice of the peace of the county where the offender may be found.

SEC. 20. Said company shall put up a stone or post at the end of each mile with the proper inscription thereon, and at or near each toll gate a statement of the rates of toll charged on said road.

SEC. 21. If any toll-gatherer or gate-keeper on said road unreasonably detains any person or passenger after the toll has been paid or tendered, or shall demand or receive greater toll than is by this act allowed, he shall, for every such offence, forfeit and pay a sum not exceeding ten dollars to the said person or passenger, to be recovered before any justice of the peace having jurisdiction, within twenty days after the occurrence.

SEC. 22. If any person or persons using any part of said road shall, with the intent to defraud said company, pass through any private gate or bars, or along any other ground near said road, to avoid any toll gate, or make any untrue statement of the distance he or they may have traveled or may intend to travel on the road, or shall practice any fraud or lessen or avoid the payment of toll, each and every person concerned in such fraudulent practice, shall, for every such offence, forfeit and pay to the said company the sum of ten dollars which shall be recovered in the name of said company in an action of debt before any justice of the peace of the county wherein the offender may be found, to be collected without regard to stay of execution or relief from valuation or appraisment laws: *Provided*, That nothing herein contained shall prevent persons residing on or near the line of said road from passing thereon between the gates about their ordinary business.

SEC. 23. If any agent, treasurer, or toll-gatherer or other person to whose possession and control or custody any of the moneys of said corporation shall come or be placed, shall convert any of the moneys to his own use or make way with the same in any manner, he shall be deemed guilty of embezzlement, and shall, upon indictment and conviction, be punished in the same manner as persons convicted of larceny; the neglect and refusal of any such person to pay over on demand to said company or their proper agent

any money in his hands belonging to said company, shall be deemed *prima facie* evidence that he has embezzled the same.

SEC. 24. The said corporation may purchase and hold real estate, separate and distinct from that on which said road may be located and constructed, to an amount not exceeding in value, when acquired, ten thousand [dollars.]

SEC. 25. This act shall be deemed and taken as a public act, and all courts in this State shall take notice of the same without its being plead or shown in evidence, and the same and all its provisions shall receive a liberal construction for the purposes herein intended; and said company may, in all actions at law against said corporation, give the same, and all matters of justification under its provision, in evidence under the plea of the general issue.

SEC. 26. This act to take effect and be in force from and after its passage.

CHAPTER CXXXIV.

An Act to incorporate the Ohio and Indiana Railroad Company.

[APPROVED JANUARY 15, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the full and entire assent of this state be, and the same is hereby given to all and each of the provisions mentioned and contained in an act of the legislature of Ohio, passed the 20th day of March, in the year of our Lord, one thousand eight hundred and fifty, entitled, "An act to incorporate the Ohio and Indiana Railroad Company," and the said act of the state of Ohio is hereby adopted, ratified, and confirmed, and enacted into a law of this state, and all and each of the provisions, conditions, and restrictions thereof, as fully and effectually as if the same were enacted, section by section, so far as the same can apply to this state, reserving always to this state the same and like rights and powers in all respects in and over that part of the contemplated railroad which may be in the state of Indiana as has been reserved and provided in the said recited act of the state of Ohio, and the said act shall be in full force and effect according to the true intent and meaning thereof, wherever the same is applicable, as well within as without this state, as an act incorporating the Ohio and Indiana Railroad Company for all and every the objects and purposes therein set forth and provided for.

SEC. 2. That in all cases when the matter in controversy shall have originated or arisen within the limits of this state, the said company may sue and be sued in like manner as other bodies corporate within this state sue and are sued, and in all matters and things which may in any way relate to, or concern the exercise or abuse of the rights, privileges, powers, and franchises hereby granted, and also in all things which may relate to, or concern a compliance with, or a breach of the conditions and provisions of this act, the said company shall be as perfectly subject to, and under the control of the proper authorities of Indiana as if the said company had been created by a law of this state, and in any suit, action, or proceeding at law against said company, the process may be served within the proper county or district, upon any known officer or agent of said company.

SEC. 3. That it shall be the duty of the president and directors of said company, as soon as any portion of their railroad situated between the city of Fort Wayne and the eastern line of the state of Indiana is completed and in use for transportation, to prepare a full and accurate statement of the cost of construction of said portion of their railroad, authenticated by the oath or affirmation of the president and secretary of said company, and communicate the same to the auditor of the proper county, who shall file the statement in his office.

SEC. 4. That the stock of said company, to an amount equal to the cost of construction of the said portion of their road, shall be subject to taxation in this state in the same manner and at the same rate as other similar property is subject, and it shall be the duty of the said company to cause their treasurer, upon the declaration of any dividend, after said portion of their railroad shall have been completed, to retain out of said dividend, and pay into the treasury of the proper county the tax to which such portion of stock is liable.

SEC. 5. That Jesse L. Williams, Pliny Hoagland, Samuel Hanna, Oemig Bird, Hugh McCulloch, Allen Hamilton, Franklin P. Randall, Isaac D. G. Nelson, Francis D. Lasselle, and Thomas Tigar be, and the same are hereby appointed additional corporators to carry out the provisions of this act.

SEC. 6. That exemplified copies of the said act of the state of Ohio, and of an act passed by said state on the eleventh day of February, one thousand eight hundred and forty-eight, entitled, "An act regulating railroad companies," shall be annexed to this act and published in the same manner as this act shall be published, and the governor shall cause an attested copy of this act to be transmitted to the governor of Ohio for the use of the state.

SEC. 7. The legislature hereby reserves the right to alter, amend,

or repeal this act at any time, in case of any violation thereof at any time: *Provided*, That no injustice shall be done to the corporators.

[From the Laws of Ohio.]

An act to incorporate the Ohio and Indiana Railroad Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That John Anderson, George Lauck, Willis Merriman, Robert Lee, John Frontz, Josiah S. Plantz, John J. Bowman, George Quinby, John Simms, John A. Gormley, L. Rowse, Aaron Carey, and C. Widman, of Crawford county; D. Ayres, R. McKelley, and H. Peters, of Wyandot county, and their successors and associates, be, and they are hereby created a body corporate and politic forever, by the name and style of the Ohio and Indiana Railroad Company, with perpetual succession: and by that name and style shall be entitled to have, enjoy, and hereby are vested with all the rights, privileges, powers, and franchises, and be subject to all the restrictions of an act entitled "An act regulating railroad companies," passed February eleventh, eighteen hundred and forty-eight, and the acts amendatory thereto, except so far as the same may be modified by the provisions of this act.

SEC. 2. That the capital stock of said company shall be any sum not exceeding two millions of dollars.

SEC. 3. That said company shall have power to construct a railroad, commencing at a suitable point to be selected by said company, on the Cleveland, Columbus, and Cincinnati railroad, near Sultzer's tavern, in the county of Richland; thence to Bucyrus, in the county of Crawford; thence to Upper Sandusky, in the county of Wyandot; and thence on such route as the directors of said company, or a majority of them, may select, to the west line of the State of Ohio; and thence to Fort Wayne in the State of Indiana.

SEC. 4. That the county commissioners of any county through which said railroad may be located, by and with the consent of a majority of the legal voters of such county, to be expressed as hereinafter provided, be, and they are hereby authorized and required to subscribe, in the name and for the benefit of such county, to the capital stock of said company, any sum not exceeding one hundred thousand dollars; that the town council of any incorporated town, and the trustees of any township, through which said railroad may be located, by and with the consent of a majority of the legal voters of such town or township, to be expressed as hereinafter provided, be, and they are also hereby authorized and required to subscribe, in the name and for the benefit of such town or township, to the capital stock of said company, any sum not exceeding fifteen thousand dollars.

SEC. 5. That for the purpose of paying the amount of stock subscribed to said company, either by county commissioners, town council, or township trustees, under the provisions of this act they are hereby respectively authorized to borrow the necessary amount of money, for which they shall issue bonds, notes, or obligations, of the county, town, or township, as the case may be, in amounts not less than one hundred dollars; which bonds, notes, or obligations shall be made negotiable, bearing interest, payable annually, at such place and at such rate, not exceeding seven per centum per annum, as may be agreed upon; and such bonds, notes, or obligations may be made redeemable at such time as may be deemed expedient by the commissioners, town council, or township trustees, by whom they may be issued; or such bonds, notes, or obligations, or any part thereof, may be issued directly to said company in payment of said stock so subscribed as aforesaid, as the county commissioners, town council, or township trustees, subscribing the same, and a majority of the directors of said company may agree.

SEC. 6. That said county commissioners, town council, and township trustees, subscribing stock, as aforesaid, shall keep or cause to be kept, an accurate register of all bonds, notes, or obligations issued under the provisions of this act, showing the dates, numbers, and amounts thereof, and to whom and when payable, and the rate of interest stipulated therein, and they shall also cause to be kept such books and entries as will fully show all liabilities, receipts, disbursements, and the precise state of the indebtedness of such county, town, or township, as the case may be, in any way arising under this act; which said books and entries shall be kept by the county commissioners in the office of the auditor of their county, by the town council, in the office of the recorder of such town, and by the township trustees, in the office of the township clerk of such township, which said books and entries shall at all times be open for inspection by all persons interested therein.

SEC. 7. That the faith of the county, town, or township, subscribing stock under the provisions of this act, and the net profits or dividends upon the stock so subscribed, shall stand pledged for the payment of the indebtedness and interest which may become due from such county, town, or township, by reason of any stock subscription herein authorized.

SEC. 8. That it shall be, and it is hereby made the duty of the county commissioners and auditor of any county subscribing stock under the provisions of this act, from and after the contracting of any indebtedness against their county by reason of such subscription, to add such per centum upon the tax duplicate of such county, annually, over and above the ordinary State and county taxes, as shall be sufficient, when added to the dividends, or net profits aforesaid, to pay the accruing interest under this act, and also to provide a sinking fund of such amount as they may deem expedient; and

the money so levied, when collected, shall be applied to the purposes aforesaid, and none other.

SEC. 9. That it shall be and is hereby made the duty of the town council and the township trustees of any town or township, subscribing stock under the provisions of this act, from and after the contracting of any indebtedness against such town or township, by reason of such subscription, to levy and collect annually, in addition to the ordinary taxes levied and collected for town or township purposes, such amount of additional tax as, together with the dividends and net profits arising from the stock by such town or township subscribed as aforesaid, will pay the interest accruing on such bonds, notes, or obligations as may have been issued upon the credit of such town or township, by virtue of this act, together with the costs and charges incident thereto, and also to provide a sinking fund of such amount as they may deem expedient; and the moneys so levied, when collected, shall be applied to the purposes mentioned in this section of this act, and none other.

SEC. 10. That all taxes levied under the foregoing section of this act, shall be certified to the county auditor of the proper county, and be by him placed on the county duplicate, and be collected by the county treasurer, in the same manner as State and county taxes now are, or may hereafter be collected; which said taxes, when collected, shall be paid out by such treasurers, on the order of the proper authorities of the town or township entitled thereto.

SEC. 11. That the county commissioners, town council, and township trustees, of the county, town, or township subscribing stock under the provisions of this act, by themselves, or such agent or agents as they may appoint for that purpose, shall have full power to vote at all meetings of the stockholders of said company, in proportion to the amount of stock owned by such county, town, or township be, respectively, and in all other respects to act in the business of said company as individual stockholders in the same, are authorized by law to do; and the county commissioners, town council, and township trustees, respectively, of such county, town, or township, as shall subscribe stock under the provisions of this act, are hereby authorized, whenever they may deem the same expedient, to sell or transfer any or all stock owned by such county. town, or township, in said company, in order to pay off the indebtedness which may arise under this act.

SEC. 12. That before any stock shall be subscribed in said company by the commissioners of any county, under the provisions of this act, the question shall be submitted to the qualified electors of such county, whether the county shall become a subscriber or not, and to this end it is further provided that upon a written application of thirty or more citizens of such county to the sheriff of the same, thirty days before any spring or fall election, it shall be the duty of said sheriff to give notice at least twenty days prior to said

election, by advertisement in all the newspapers published in said county, and continue the same in said papers until the time of said election, that a vote will be taken for and against such subscription; and the electors of the different townhips of such county shall, at the election so given notice of by the sheriff, as aforesaid, vote for or against such subscription, by using one of the following phrases, to be printed or written on their ballots: "railroad subscription," "no railroad subscription."

SEC. 13. That the judges of said election in the several townships of such county, shall respectively keep a statement of all the votes given for and against such subscription at said elections; and within three days after said elections said judges shall certify to the clerk of the court of common pleas of said county the number of votes given for and against the proposition, and it is hereby made the duty of said clerk, in the presence of two justices of the peace of said county, to examine and make an abstract of all the votes given in said county against, and all the votes given in favor of subscription, which said abstract shall be signed by said clerk and said justices, and filed in the office of said clerk; and if it be found that a majority of all the votes given at said election on the question, shall be in favor of subscription, said clerk shall forthwith certify the same to the county commissioners of such county, whose duty it shall be thereupon to subscribe for stock in said railroad company, and in all respects to conform themselves to the provisions of this act.

SEC. 14. That no subscription shall be made by any town or township, of stock in said company, under the provisions of this act, without the assent of the people of such town or township, which assent shall be obtained as follows: Upon the written application of ten or more of the citizens of such town or township, the town council or township trustees, to whom such application shall be made, shall give at least thirty days' notice previous to the next annual spring, fall, or special election, which said town council or township trustees are hereby, for that purpose, authorized to order, in such town or township, that a vote will be taken at such annual spring, fall, or special election, as the case may be, on the question of making such subscription as aforesaid, which notice shall be published in some newspaper, if any shall be published in the town or township in which said vote shall be taken; and by written advertisements posted up in at least three of the most public places in such town or township, and the qualified electors of such town or township at said election shall vote by ballot, "railroad subscription" or, "no railroad subscription."

SEC. 15. That the judges of the election in such town or township, shall, within three days after such election, transmit certified returns of said ballotings, in such town or township, to the auditors of their respective counties, and if it shall appear that

a majority of the ballots cast in any such town or township on the question, is in favor of such subscription, said auditor shall forthwith certify the same to the town council or township trustees of such town or township voting therefor, whose duty it shall be, thereupon, to subscribe for stock in said company, and in all respects conform themselves to the provisions of this act: *Provided*, That in all cases where a majority of the votes given, either upon a county, town, or township proposition, shall be against subscription, the question may in like manner be submitted to the qualified voters of such county, town, or township, at the next, or any subsequent annual spring, fall, or special election, and if, at such second or any subsequent election, said question be decided by a majority of the votes given in such county, town, or township, as the case may be, in favor of subscription, said decision shall have the same effect and force as if made at the first election.

Sec. 16. That the different officers required to perform services under this act shall receive the same fees as for like services in other cases.

Sec. 17. That said company shall be, and is hereby authorized to connect with any other railroad company or companies, and to consolidate its capital stock, or any part thereof, with the capital stock of such company or companies, and to have and use the style of any such company or companies, and constitute a part of the same.

Sec. 18. This act to take effect in the State of Ohio from and after its passage; and that whenever the legislature of the State of Indiana shall pass a law giving their assent to and confirming the provisions of this act, with such alterations and modifications as shall be deemed necessary and applicable to that part of said railroad, and other works as aforesaid, lying within the limits of said State of Indiana, then this act to take effect and be in force in that State also.

BENJAMIN F. LEITER,
Speaker of the House of Representatives.
CHARLES C. CONVERS,
Speaker of the Senate.

March 20, 1850.

[From the Laws of Ohio.]

An act regulating railroad companies.

Section 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever any number of persons, not less than five, shall be named as corporators in any act of the General Assembly, and authorized to construct a railroad, they and their associates,

successors and assigns, by the name and style provided in said act, shall thereafter be deemed a body corporate with succession, with power to sue and be sued, plead and be impleaded, defend and be defended, contract and be contracted with, acquire and convey at pleasure all such real and personal estate as may be necessary and convenient to carry into effect the objects of the incorporation, to make and use a common seal, and the same to alter, break, and renew at pleasure, and do all needful acts to carry into effect the object for which it was created; and such company shall possess all the powers, and be subject to all the rules and restrictions provided by this act, except so far as may be modified by the special act incorporating the same.

Sec. 2. Said corporation shall be authorized to construct and maintain a railroad, with a single or double track, with such side tracks, turn-outs, offices, and depots as they may deem necessary, between the points named in the special act incorporating the same, commencing at or within, and extending to or into any town, city, or village named as the place of beginning, or terminus of such road, and construct branches from the main line to other towns or places within the limits of any county through which said road may pass.

Sec. 3. The capital stock of such company shall be divided into shares of fifty dollars each, and consist of such sum as may be provided in the special act incorporating the same, such shares shall be regarded as personal property and shall be subject to execution at law.

Sec. 4. An installment of five dollars on each share of stock shall be payable at the time of making the subscription, and the residue thereof shall be paid in such installments, and at such times and places, and to such person as may be required by the directors of said company.

Sec. 5. If any installment of stock shall remain unpaid for sixty days after the time it may be required, whether such stock is held be an assignee, transferee, or the original subscriber, the same may be collected by an action of debt, with a penalty of five per centum thereon, or the directors may sell the stock so unpaid at public auction for the installment, interest, and penalty then due thereon, first giving thirty days' public notice of the time and place of sale, in some newspaper in general circulation in the county where such delinquent stockholder resided at the time of making such subscription, or becoming such assignee or transferee, or of his actual residence at the time of said sale; or if such stockholder reside out of the State, such publication shall be made in the county where the principal office of the company is located; and if any residue of money shall remain after paying the amount due on said stock, the same shall, on demand be paid over to the owner; if the whole of said installment be not paid by such sale, the remainder shall be re-

coverable by an action of debt against the subscriber, assignee, or transferee.

SEC. 6. That whenever any railroad company heretofore incorporated, or created and incorporated under the provisions of this act, shall, in the opinion of the directors thereof, require an increased amount of capital stock, they shall, if authorized by the holders of a majority of the stock, file with the auditor of state a certificate setting forth the amount of such desired increase, which shall not exceed the amount of the original capital of said company, and thereafter such company shall be entitled to have such increased capital as is fixed by said certificate.

SEC. 7. That the persons named in any special act of incorporation, or any five of them, shall be authorized to order books to be opened for receiving subscriptions to the capital stock of said company, at such time or times, and at such place or places as they may deem expedient, after having given at least twenty days' notice in a newspaper published or generally circulated in one or more counties where books of subscription are to be opened, of the time and place of opening books; and so soon as fifty thousand dollars, or ten per centum on the capital stock shall be subscribed, they may give like notice for a meeting of the stockholders, to meet at such time and place as they may designate, for the purpose of choosing directors, who shall continue in office until the time fixed for the annual election, and until their successors are chosen and qualified; at the time and place appointed, seven directors shall be chosen by ballot, by such of the stockholders as shall attend for that purpose, either in person or by lawful proxies; each share shall entitle the owner to one vote, and a plurality of votes shall be necessary for a choice; but after the first election of directors, no person shall vote on any share on which any installment is due and unpaid. The persons named in such special act, or such of them as may be present, shall be inspectors of such election, and shall certify what persons are elected directors, and appoint the time and place for holding their first meeting; a majority of said directors shall form a board, and be competent to fill vacancies in their board, make by-laws, and transact all business of the corporation; a new election shall be annually held for directors, at such time and place as the stockholders, at their first meeting, shall determine, or as the by-laws of the corporation may require; and the directors chosen at any election shall, so soon thereafter as may be convenient, choose one of their number to be president, and shall appoint a secretary and treasurer of the corporation. The directors, before entering on their duties, shall each take an oath faithfully to discharge his duties, and they shall, from time to time, make such dividends of the profits of said company as they may think proper.

SEC. 8. If such railroad company shall not be organized within three years from the passage of the special act incorporating the

same, and not less than ten miles of such road be completed sufficiently for use within seven years from the same date, then the act creating the same shall be void.

SEC. 9. Such corporation is authorized to enter upon any land for the purpose of examining and surveying its railroad line, and may appropriate so much thereof as may be deemed necessary for its railroad, including necessary side tracks, depots, work shops, and water stations, materials for construction, except timber, a right of way over adjacent lands, sufficient to enable such company to construct and repair its road, and a right to conduct water by aqueducts, and the right of making proper drains. The corporation shall forthwith deposit with the clerk of the court of common pleas, or other court of record of the county where the land lies, a description of the rights and interests intended to be appropriated, and such land, rights, and interests shall belong to said company to use for the purpose specified, on making payment or giving security, as is hereafter provided. The corporation may, by its directors, purchase any such lands, materials, right of way, or interest, of the owners of such land; or, in case the same is owned by a person insane or an infant, at a price to be agreed upon by the regularly constituted guardian or parent of such insane person or infant, if the same shall be approved by the court in which the description aforesaid shall be filed; and on such agreement and approval, the owner, guardian, or parent, as the case may be, shall convey the said premises, so purchased in fee simple or otherwise, as the parties may agree, to such railroad company, and the deed, when made, shall be deemed valid in law. If the corporation shall not agree with the owner of the land, or with his guardian, if the owner is incapable of contracting, touching the damages sustained by such appropriation, such corporation shall deliver to such owner or guardian, if within the county, a copy of such instrument of appropriation. If the owner, or his guardian, in case such owner is incapable of contracting, be unknown, or do not reside within the county, such corporation shall publish in some newspaper of general circulation in the county, for the term of three weeks, an advertisement reciting the substance of such instrument of appropriation; upon filing such act of appropriation, and delivery of such copy, or making such publication, the court of common pleas or other court of record of the county where the land lies, or any judge thereof in vacation, upon application of either party, shall appoint, by warrant, three disinterested freeholders of such county, to appraise the damages which the owner of the land may sustain by such appropriation; such appraisers shall be duly sworn, they shall consider the benefit as well as injury which such owner shall sustain by reason of such railroad, and shall forthwith return their assessment of damages to the clerk of said court, setting forth the value of the property taken, or damage done to the property; the amount of

benefit conferred, and the difference between the value of, or damage done to the property taken, which they assess to such owner or owners separately, to be by him filed and recorded; and thereupon such corporation shall pay to said clerk the amount thus assessed, or secure the payment to the satisfaction of such court or of the judge issuing the warrant. And on making payment or tender thereof to said clerk, or on giving such security as may be required, it shall be lawful for such corporation to hold the interests in such lands or materials thus appropriated, and the privilege of using any materials on said roadway within fifty feet on each side of the center of such roadway, for the uses aforesaid, the costs of such award shall be paid by such company; and, on motion, by any party interested, and showing said proceedings, the court may order payment thereof, and enforce such payment by execution. The award of said arbitrators may be reviewed by the court of common pleas, or other court in which proceedings may be had, on written exceptions filed by either party in the clerk's office, within ten days after the filing of such award; and the court shall take such order therein as right and justice may require, by ordering a new appraisement, on good cause shown: *Provided*, That, notwithstanding such appeal, said company may take possession of the property described as aforesaid, and the subsequent proceedings on the appeal shall only affect the amount of compensation to be allowed; if prior to the assessment, the corporation shall tender to such owner or his guardian, if he be unable to contract, an amount equal to the award afterwards made, exclusive of costs, the costs of arbitration shall be paid equally by such company, and such owner or guardian.

Sec. 10. That whenever any railroad company, heretofore incorporated, or which may be hereafter incorporated, shall find it necessary for the purpose of avoiding annoyance to public travel, or dangerous or difficult curves or grades, or unsafe or unsubstantial grounds or foundations, or for other reasonable causes, to change the location or grade of any portions of their road, whether heretofore made or hereafter to be made, such railroad companies shall be, and is hereby authorized to make such changes of grade and location, not departing from the points and general route prescribed in the charter of such company; and for the purpose of making any such change in the location and grade of any such road as aforesaid, such company shall have all the rights, powers, and privileges to enter upon and take and appropriate such lands, and make surveys necessary to effect such changes and grades, upon the same terms, and be subject to the same obligations, rules, and regulations as are prescribed in the ninth section of this act, and shall, also, be liable in damages when any have been caused by such change to the owner or owners of the lands upon which such road was theretofore located, to be ascertained and reserved as aforesaid;

but no damages shall be allowed unless claimed within thirty days after actual notice of such intended change shall be given to such owner or owners, if residing on the premises, or notice by publication in some newspaper in general circulation in the county, if non-resident: *Provided, however*, That no such change of the location of the road be made, unless approved by the board of public works; and to enable the board of public works to act understandingly upon all such subjects, the said board of public works be, and is hereby directed to appoint, on the application of any railroad company desiring such change, a competent engineer of the railroad to examine the proposed new route, and report the facts to the board of public works: *Provided*, That nothing contained in this act, shall be so construed as to give to the Little Miami Railroad Company any power to relocate said railroad south of its present location, within the corporate limits of the town of Fulton, in Hamilton county, unless such change shall be approved by the board of public works.

Sec. 11. If it shall be necessary in the location of any part of any railroad to occupy any road, street, alley, or public way, or ground of any kind, or any part thereof, it shall be competent for the municipal or other corporation or public officers, or public authorities, owning or having charge thereof, and the railroad company to agree upon the manner, and upon the terms and conditions upon which the same may be used or occupied; and if said parties shall be unable to agree thereon, and it shall be necessary in the judgment of the directors of such railroad company to use or occupy such road, street, alley, or other public way or ground, such company may apply to the court of common pleas of the county in which the same is situate, setting forth the aforesaid facts, and said court shall thereupon appoint at least three judicious disinterested freeholders of the county, who shall proceed to determine whether such occupation is necessary, and if necessary, the manner and terms upon which the same shall be used, and make return of their doings in the premises to said court, who shall, if they deem the same just and proper, make the necessary order to carry the same into effect, or they may order a review of the same, as such court may consider justice and the public interest require.

Sec. 12. Such corporation may demand and receive for the transportation of passengers on said road, not exceeding three and one-half cents per mile, and for the transportation of property not exceeding five cents per ton per mile, when the same are transported a distance of thirty miles or more; and in case the same are transported for a less distance than thirty miles, such reasonable rate as may be from time to time fixed by said company, at any time after the expiration of ten years, from the time any such road may be put in operation, it shall be lawful for the General Assembly to prescribe the rates to be charged for the transportation of persons or property upon said road, should they be deemed too high, and

may exercise the same power ten years thereafter: *Provided*, That no reduction shall be made, unless the net profits of the company, on an average for the previous ten years, shall amount to a sum equal to ten per centum per annum upon its capital, and then not so as to reduce the future probable profits below the said per centum.

Sec. 13. Such company shall have power to borrow money on the credit of the corporation, not exceeding its authorized capital stock, at a rate of interest not exceeding seven per cent. per annum, and may execute bonds or promissory notes therefor, and to secure the payment thereof may pledge the property and income of such company: *Provided*, That the value and security of any liens, mortgage, or the stock held in or against such company, by the State, or the city of Cincinnati, shall not thereby be injured or otherwise impaired.

Sec. 14. Such company may acquire by purchase or gift, any lands in the vicinity of said road or through which the same may pass, so far as may be deemed convenient or necessary by said company to secure the right of way, or such as may be granted to aid in the construction of such road or be given by way of subscription to the capital stock, and the same to hold or convey in such manner as the directors may prescribe; and all deeds and conveyances made by such company shall be signed by the president, under the seal of the corporation; and any existing railroad corporation may accept the provisions of this section, the five preceding sections of this act, or either of them, and after such acceptance, all conflicting provisions of their respective charters shall be null and void.

Sec. 15. It shall be lawful for such corporation, whenever it may be necessary in the construction of such road, to cross any road or stream of water, or to divert the same from its present location or bed; but said corporation shall, without unnecessary delay, place such road or stream in such condition as not to impair its former usefulness.

Sec. 16. Such corporation shall, as soon as convenient after its organization, establish a principal office at some point on the line of its road, and change the same at pleasure, giving public notice in some newspaper of such establishment or change; and all process against said company, shall be served on the president or secretary, or by leaving a copy at the principal office of the corporation.

Sec. 17. The right is hereby reserved to the General Assembly, to provide for taxing such companies by any other mode than that now authorized by the provisions of the act levying taxes on all property of the State according to its true value; but not so as to require any such company, or the stockholders thereof, on account of the stock owned by them, to pay any greater rate of taxes for the time being, than the general average of taxation for all purposes

on other property of equal value in those counties though which such road may pass, or within the limits of which the same may be located; and any existing railroad company may accept the provisions of this section, and thereafter be liable to taxation, as provided by the act levying taxes aforesaid, subject to the right of the General Assembly, herein reserved: *And Provided, also*, That any existing railroad company accepting any of the provisions of this act, shall thereafter be subject to the taxation herein provided, subject to the right herein reserved.

Sec. 18. Every company organized under this act, shall be required to erect at all points where their road shall cross any public road, at a sufficient elevation from such public road, to admit of the free passage of vehicles of every kind, a sign with large and distinct letters placed thereon, to give notice of the proximity of the railroad, and warn persons of the necessity of looking out for the cars; and any company neglecting or refusing to erect such sign, shall be liable in damages for all injuries occurring to persons or property from such neglect or refusal.

Sec. 19. That if, at any time, any dispute shall arise between any company incorporated under this act, and the post master general, as to the price of transporting the mails, the governor shall have power to adjust the same by arbitration; but nothing contained herein shall be so construed as to interfere with the right of such company to fix the times of arrival and departure of their trains, or to change any general regulation of the company.

Sec. 20. That each and every railroad company incorporated under this act shall, annually, in the month of January, make a full report of the condition of its affairs to the auditor of state, showing the amount of the capital stock of such company, the gross amount of tolls or receipts during the previous year, the cost of repairs and incidental expenses, the net amount of profits, and the dividends made; with such other facts as may be necessary to a full statement of the affairs and condition of such road, and the auditor shall annually present an abstract copy of such report to the General Assembly.

Sec. 21. The width of the track or guage of all roads under this act shall be four feet ten inches between the rails.

Sec. 22. It shall be lawful for the directors of any railroad company, semi-annually, to compute, allow, and pay to its stockholders, interest at the rate of six per centum on all moneys theretofore paid as capital stock, to be set apart and paid in stock or cash, as the directors may determine: *Provided*, That they shall not allow or pay any interest in cash to stockholders, while any debt of such railroad company for labor or materials shall be due and unpaid: *And Provided further*, That the capital stock shall, in no case, be reduced by such payment of interest, and any railroad company

may establish a principal office, in the manner and for the purpose named in the sixteenth section of this act.

JOSEPH S. HAWKINS,
Speaker of the House of Representatives.
CHARLES B. GODDARD,
Speaker of the Senate.

February 11, 1848.

STATE OF INDIANA, } SS.
OFFICE OF SECRETARY OF STATE. }

I, Charles H. Test, Secretary of State for the State of Indiana, certify that the two next preceding acts, (to-wit: "an act to incorporate the Ohio and Indiana Railroad Company," and "an act regulating Railroad Companies,") are complete and correct copies from statute books of the State of Ohio; that the statute books, from which said copies are taken, are deposited in the State Library of Indiana, and were, as I believe, received under the authority of the State of Ohio.

IN WITNESS WHEREOF, I have hereunto set my hand,
[L.S.] and affixed the Seal of the State, at Indianapolis, this 2nd day of April, A. D. 1851.

CHARLES H. TEST,
Secretary of State.

CHAPTER CXXXV.

An act to constitute a School District from a portion of territory in the counties of Grant and Blackford.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the following territory shall form and constitute a school district, to-wit: The whole of section one, and north-east quarter of section two, in township twenty-three, range nine east; and the south half and the east half of the north-east quarter of section thirty-six, in township twenty four, in range nine east. Also, the west half of section six, in township twenty-three, range ten east; and the south half of the north-west quarter of section thirty-one, in township twenty-four, range ten east.

SEC. 2. That the citizens who are residents in the above described territory shall be governed in all respects by the school laws now in force in the counties aforesaid, as though this act had not passed.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER CXXXVI.

An act to fix a tax on a Museum in Lafayette.

[APPROVED FEBRUARY 12, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the keeper of the Museum, in Lafayette, Tippecanoe county, be taxed per annum by the said county and corporation of said town, only the sum of twenty dollars; ten of which shall be paid into the treasury of said corporation.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CXXXVII.

An act to incorporate a Fire Engine Company at North Madison.

[APPROVED FEBRUARY 11, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That James F. Dumble, James Edgar, James Clark, James Jones, Isaac H. Baker, and their associates and successors, are hereby created a body corporate and politic, and by the name, style, and title of Good Will Fire Engine Company No. 1, of North Madison, have perpetual succession, and shall be able and capable in law and equity to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto; they may make and use a common seal, amend the same, alter and change at pleasure.

SEC. 2. The said company shall have full power to pass all by-laws, and make all useful rules and regulations, to organize themselves into a hose and fire company for the said town of North Madison, in the county of Jefferson, and for that purpose shall have all the powers granted to incorporations given in the general provisions respecting incorporations in chapter 32, article 2, of the revised code of 1843.

SEC. 3. The persons first named in this act shall act act as directors of this corporation until an organization shall be had and effected under the law above named, and until perfected by the act of such organization.

SEC. 4. This act to be in force from and after its passage.

CHAPTER CXXXVIII.

An act to locate a State Road in the counties of Crawford and Perry.

[APPROVED FEBRUARY 10, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Mr. Harris, of Perry county, John Butt and John Newton, of Crawford county, be, and they are hereby appointed

commissioners to view, mark, and locate a State road, commencing at Nebraska, in Crawford county; thence on the nearest and best route to Mr. Harris', in Perry county; thence on the same direction, passing near John W. Williams'; thence to intersect the Paoli and Troy State Road, at or near William Blunks, in Crawford county.

SEC. 2. The said commissioners shall meet at Nebraska, in Crawford county, on or before the first day of June next, or as soon thereafter as a majority of them may agree upon, and after having taken an oath faithfully and impartially to discharge the duties assigned them, shall proceed to view, mark, and locate said road, agreeable to the points and courses designated in the first section of this act.

SEC. 3. The said commissioners shall, within thirty days after they shall have located said road as aforesaid, report to the county auditors of the said counties of Perry and Crawford, so much of said road as may be located in the respective counties of said auditors, which report the said auditors shall lay before their respective county boards at their next session thereafter, and said county boards shall severally cause the said report to be recorded, and order said road to be opened; and said boards of commissioners in the counties of Perry and Crawford shall make said commissioners such compensation as shall be reasonable, each county paying its proportionable part.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER CXXXIX.

An act to incorporate the "Grape Vine Marsh Plank Road Company."

[APPROVED FEBRUARY 12, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That any two or more persons who shall associate themselves together, pursuant to the provisions of an act entitled "an act authorizing the construction of plank roads," approved January 15, 1849, to construct a plank road across the Grape Vine Marsh, in St. Joseph county, may commence the same, at a point in the Mich-

igan road, at or near the summit of the hill, on the east side of said marsh, and construct the same along and upon said Michigan road, to a point in said road not less than one nor more than three miles west of the point aforesaid, and may, when they shall have constructed said road, erect and maintain thereon a toll gate, and charge, collect, and receive any rate of tolls thereon, not exceeding double the amount and rates fixed by the act aforesaid; and said association or company shall, upon filing their articles of association as provided in said act, be entitled to all the rights, privileges, and franchises conferred, and be subject to all the obligations, restrictions, and liabilities imposed by said act, except as herein otherwise provided.

SEC. 2. This act shall be a public act and shall be in force from and after its passage.

CHAPTER CXL.

An act to amend an act entitled "an act to incorporate the town of Newbern, in Bartholomew county," approved January 14, 1850.

[APPROVED FEBRUARY 10, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the 3d section of the above entitled act be so amended that the trustees of said town may be elected at any time within sixty days from and after the first Monday in March, 1851, and that a majority of the legal resident voters in said town liable to pay a corporation tax, shall, by a direct vote, declare in favor of incorporating said town.

SEC. 2. All the rights and privileges guaranteed to the trustees of the town of Newbern, in an act approved January 14, 1850, and to which this act is an amendment, shall continue in full force.

SEC. 3. This act shall be in force from and after its passage.

CHAPTER CXLI.

An act for the relief of Thomas Decimus Franklin, Sophia Whitworth, William Whall, John Whall, and Robert Whall.

[APPROVED FEBRUARY 11, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all the estate and interest of the State of Indiana in and to certain lands situate in the counties of Floyd and Clark, in the State of Indiana, of which Joseph Franklyn, otherwise Franklin, died seized, is hereby released to, and vested in Thomas Decimus Franklyn, Sophia Whitworth, William Whall, John Whall, and Robert Whall, their heirs and assigns, forever, to take, hold, and convey the same in the same manner, in the like proportion, and in all respects as fully as if the said Thomas Decimus Franklyn, Sophia Whitworth, William Whall, John Whall, and Robert Whall had been citizens of the United States at the time of the decease of the said Joseph.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CXLII.

An act to repeal an act therein named.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That an act entitled "an act to authorize the sueing out a writ of *ad quod damnum* in a certain case therein named," approved January 27, 1847, be, and the same is hereby repealed.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CXLIII.

An act authorizing the board of commissioners of Howard county to cause a record to be made of a certain State Road therein named.

[APPROVED FEBRUARY 8, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board of commissioners of Howard county be, and they are hereby authorized and required to cause to be recorded in their order book, the report of the commissioners appointed to view, mark, and locate a State road from Wabash town, on the nearest and most practicable ground, to the town of Noblesville, under the thirty-fifth section of an act concerning State roads, approved February 13, 1843, so far as said report defines and locates said road through Howard county.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER CXLIV.

An act limiting the jurisdiction of the corporation of the town of South Bend, in the county of St. Joseph.

[APPROVED FEBRUARY 11, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all that portion of said town of South Bend lying south of Washington street, and west of Bail's addition to said town, be, and the same is hereby declared without the corporate limits of said town, and from and after the passage of this law, the same shall not be included within the jurisdiction of, or subject to taxation by, the corporation of said town.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CXLV.

An act to repeal a certain act therein named so far as it relates to Grant county, and to revive certain other acts.

[APPROVED FEBRUARY 11, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the act entitled "an act to define the jurisdiction of the justices of the peace in the several counties therein named," approved January 16, 1849, and the ninth section of "an act to extend the jurisdiction of justices of the peace in certain criminal causes," approved February 16, 1848," be, and the same is hereby repealed, so far as it relates to the eleventh judicial circuit, and that the laws superseded and repealed by said act be, and the same are hereby revived in said eleventh judicial circuit.

SEC. 2. This act shall be deemed and taken to be a public act and shall be in force from and after its passage, and its provisions are hereby extended to the county of Delaware.

CHAPTER CXLVI.

An act for the relief of Harvey Bates, of the county of Marion.

[APPROVED FEBRUARY 13, 1851.]

WHEREAS, It is represented to the General Assembly that the sheriff of Vanderburgh county, by virtue of a decree of the Vanderburgh circuit court against the widow and heirs of William Town, deceased, sold and conveyed lots 9 and 10, in block 14, to the said Harvey Bates, to satisfy said decree, which decree, it is represented, was founded on a mortgage executed by said Town, in his lifetime; and it being further represented, that the said Town, in his lifetime and prior to the execution of said mortgage, purchased said lots from Amos Clark and paid for the same, but that no evidence has yet been found that said Clark ever conveyed said lots to said Town;

And Whereas, The said lots have been levied upon as the property of said Clark by the sheriff of Vanderburgh county, by virtue of an execution issued from the Vanderburgh circuit court, in favor of the State of Indiana, on a forfeited recognizance entered into by said Clark and others; therefore,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the prosecuting attorney of the fourth judicial circuit of said State be, and he is hereby authorized to release the said lots from said levy and from the lien of said recognizance, and the judgment rendered thereon, if said attorney shall, after a full examination into the facts of the case, be satisfied that the said Town, in his lifetime, did purchase said lots from said Clark and fully pay for the same, and that said Clark has no equitable title to, or interest therein.

Sec. 2. This act shall take effect and be in force from and after its passage.

CHAPTER CXLVII.

An act to locate a State Road from Pleasant Grove, in Fulton county, by the way of the Fulton Steam Mill to Perrysburg, in Miami county.

[APPROVED FEBRUARY 8, 1851.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Job Johnson, of Fulton county, be, and he is hereby appointed a commissioner to view, mark, locate, and establish a State road, beginning at Pleasant Grove, in Fulton county, and running thence by the way of the Fulton steam mill, on the Michigan road to Perrysburg, in Miami county, on the nearest and best route, having due regard to the rights of individuals and the interests of the public.

Sec. 2. This act shall take effect and be in force from and after its passage.

CHAPTER CXLVIII.

An act to incorporate the town of Hope, in Bartholomew county.

[APPROVED FEBRUARY 5, 1851.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Samuel Spaugh, S. F. Eaton, Francis W. Eberman, Samuel Rominger, and Abraham Butner, be, and they are hereby appointed trustees of the town of Hope, in Bartholomew county, to serve as such until the first Monday in March, 1852, and until their successors are elected and qualified as hereinafter directed.

Sec. 2. That the trustees aforesaid, at their first meeting under this act, shall elect a president from their own body, whose duty it shall be to preserve order, and put all questions before them, and, upon equal divisions of the board, give the casting vote, and at the close of each meeting shall sign the minutes of the same; and said trustees shall also at their first meeting appoint officers necessary to carry into effect the provisions of this act and make such compensation to such officers as a majority of the board shall deem reasonable.

Sec. 3. That said president and trustees of said town of Hope, and their successors in office, shall be, and they are hereby constituted and declared a body politic and corporate, with perpetual succession, by the name and style of "The President and Trustees of the town of Hope," and by their corporate name shall be capable in law and equity to sue and be sued, plead and be impleaded, answer and be anwered unto, defend and be defended, in any court having competent jurisdiction; and shall have power to make, have, and use a common seal, and the same to alter, amend, and break at pleasure; to ordain, establish, and put into execution, and carry into effect such by-laws, rules, ordinances, and regulations necessary and proper for the benefit, convenience, good government, and police of said town.

Sec. 4. That said president and trustees, or a majority of them, shall have power to lay off said town into as many wards as they shall deem necessary, should they deem it expedient so to do; and on the first Monday of March, 1852, and annually thereafter, there shall be an election at some convenient place in said town, to be designated by said president and trustees, to be elected by ballot five trustees for said corporation, at which election each white male citizen of said town who shall have the qualifications of a voter for State and county officers and shall have resided in said town one month next preceding such election, shall be entitled to vote at the same, ten days previous notice of which election shall be given by

the president and trustees aforesaid, by written notices posted up in three of the most public places in said town, designating the time and place of holding such election.

SEC. 5. The boundaries of said corporation shall be as follows, to-wit: All of said town laying east of high water mark, of Haw creek, according to the original plat of said town, together with all the new additions since added to said town by a survey or plat of the same.

SEC. 6. The president and trustees of said corporation shall have power annually to levy and collect a tax on real and personal property, not to exceed one-fourth of one per centum on its valuation, and on all shows, exhibitions, and amusements which may be exhibited for gain, not less than one nor more than ten dollars for every exhibition; and further, said trustees shall have power to pass such by-laws or ordinances as may be necessary to guard against damages by fire, to prevent the erection of public nuisances and remove the same, and generally to enforce by proper penalties the observance of all laws and ordinances relative [to] the police and government of said incorporated town.

SEC. 7. The territory included within the boundary of said corporation shall constitute one school district of the inhabitants of the congressional township in which the same is situate, and shall, in all respects, be entitled to the same benefits as other district schools are entitled to under the laws of this State relative to the common schools.

SEC. 8. It shall be lawful for the qualified voters of Haw Creek township, in Bartholomew county, at any time after the first day of March next, at the usual place of holding elections in said township, to elect one justice of the peace, and one constable, in addition to those now authorized by law to be elected in said township.

SEC. 9. Such justice of the peace and such constable, when elected as aforesaid, [shall] keep their respective offices and shall reside in the town of Hope, in said township and county.

SEC. 10. This act to be in force from and after its passage.

CHAPTER CXLIX.

An act to change a portion of a certain State road therein named, in the counties of Boone and Hamilton.

[APPROVED FEBRUARY 11, 1851.]

SECTION. 1. *Be it enacted by the General Assembly of the State of Indiana*, That William Farlin and Nathan Crosby, of the county of Boone, and George Lew, of the county of Hamilton, be, and they are hereby appointed commissioners to relocate and change a portion of the Greenfield and Lebanon State Road, commencing in the town of Eagle Village, where said road leaves the Michigan road and runs eastwardly; said change to run, first in a southern direction along said Michigan road until it passes the Methodist church in Eagle Village far enough for the width of said road; thence a little north of east until it strikes the line between lands owned by Polly Larimore, on the north, and Milton S. Davenport, on the south; and thence east until said line strikes the old road in Hamilton county.

SEC. 2. Said commissioners shall meet in the town of Eagle Village, on the first of June, A. D. eighteen hundred and fifty-one, or before if convenient, and proceed to the discharge of their duty; but before they proceed to business they shall take an oath to discharge their duty faithfully, before some person authorized to administer oaths.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CL.

An act to amend an act entitled "an act to incorporate the Ladies' Sigourney Library, at Logansport," approved December 27, 1848.

[APPROVED JANUARY 31, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the directors of the Ladies' Sigourney Library may fix the fees of admission and membership at such sum as they may

think proper, any provision in said charter to the contrary notwithstanding.

SEC. 2. This act shall take effect, and be in force from and after its passage.

CHAPTER CLI.

An act to change the name of the Madison and Napoleon Turnpike Company.

[APPROVED FEBRUARY 8, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the name of the "Madison and Napoleon Turnpike Company" be, and the same is hereby changed to "The Madison and Indianapolis Plank Road Company," and all acts done by said company in reference to its organization be, and the same are hereby legalized.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CLII.

An act to amend an act entitled "an act to incorporate the Richmond and Newport Turnpike Company," approved January 5, 1849.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Richmond and Newport Turnpike Company may charge and receive such toll from persons traveling said road, for the privilege of driving all manner of live stock, wagons, and teams, pleasure carriages, sleighs, &c., or any part of it, as shall be for the interest of the company, and the same to change, lower, or raise at pleasure: *Provided*, That the rates be posted up in some

conspicuous place or places on said road: *And Provided*, That said tolls shall not net more than fifteen per centum per annum on the capital stock, after keeping said road in repair and defraying the necessary expenses of said corporation: *And Provided*, That all funeral processions shall pass free of toll.

SEC. 2. Said corporation shall have the right to demand, sue for, and collect toll of all persons who may use any portion of said road lying between gates, even though such person or persons may not pass through any gates; and when any person or persons use said road between gates and refuse to pay toll therefor, after demand made by any authorized agent of said company, said company may bring suit therefor, in an action of assumpsit before any justice of the peace in Wayne county, and recover the same rate of toll charged for passing through the gates, and three fold the amount thereof in damages against said person or persons.

SEC. 3. That all laws and parts of laws conflicting with the provisions of this act be and the same are hereby repealed, and this act shall be in force from and after its passage.

CHAPTER CLIII.

An act providing for the annexation of Lamasco to Evansville.

[APPROVED FEBRUARY 12, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be lawful for the president and trustees of the town of Lamasco City, in the county of Vanderburgh, and State of Indiana, to pass an ordinance appointing an election to take the sense of the qualified voters of said town on the propriety of annexing said town to the city of Evansville, which election may be held at such time and place, and conducted in such manner as the said president and trustees may direct in said ordinance: *Provided*, That thirty days' notice shall be given in some newspaper printed and published in said county, and by a written notice in German, to be posted on the market house in said city of Lamasco.

SEC. 2. If two-thirds of the qualified voters of said town, who may vote at said election, shall vote in favor of said annexation,

then and in that case, it shall be the duty of said president and trustees of said town to make a record in the minute book of their proceedings, setting forth the number of votes given in favor of, and the number of votes given against said annexation, which record shall be evidence of the facts therein stated, and a certified copy thereof shall be transmitted by said president and trustees to the common council of the city of Evansville, who shall cause the same to be recorded among their proceedings, and such record shall be evidence of the facts therein stated, and thereupon the said common council shall appoint an election to take the sense of the qualified voters of the city of Evansville, as to the propriety of annexing said town of Lamasco to said city of Evansville, which election shall be held at such place or places, and at such time, and shall be conducted in such manner as the said common council may direct in the order or ordinance appointing such election, and if two-thirds of the qualified voters of said city who may vote at such election shall vote in favor of said annexation, then and in that case the said common council may cause a record of the number of votes given at said election, as well for as against said annexation, and may make an order annexing said town of Lamasco to, and declaring the same to be a part of the said city of Evansville, and said record and order shall be conclusive evidence that the provisions of this act have been complied with, and thenceforth the territory now within the corporation limits of the said town of Lamasco City, and the inhabitants thereof, shall be deemed and taken to be annexed to, and within the corporation limits of the city of Evansville, to all intents, and for all purposes whatever; and said territory shall constitute one, or be divined into two or more wards of the city of Evansville, as shall be provided by an ordinance or ordinances of the common council, and each ward or wards shall be represented in the common council of Evansville, in the same manner as other wards of the city; and the mayor and common council, as well as all other officers of the city, shall have the same jurisdiction over and exercise the same power within said annexed territory, as they may have or exercise within the present corporate limits of said city of Evansville, and also over and upon the Ohio river and the shore thereof in front of the territory which may be annexed pursuant to the provisions of this act: *Provided, however*, That, notice of the time and place or places, and of the object the election provided for in this section, shall be given by publication for three weeks successively in some public newspaper printed and published in Evansville: *And Provided, also*, That no revenue assessed, collected, or raised without the territory which may be so annexed to the city of Evansville by the provisions of this act, shall be expended for any improvements or repairs of streets, alleys, wharves, or landings within or in front of such territory, or for any labor or service done or rendered in or for the benefit of such territory or the inhabitants thereof, nor shall

any revenues assessed, collected, or raised by said common council, or under its authority, within such territory so annexed as aforesaid, be expended except in such territory so annexed and for the benefit of the same or the inhabitants thereof, until the common council shall otherwise direct by a general ordinance, which ordinance shall not be passed without the consent of all the members representing the ward or wards erected in the territory annexed to said city of Evansville by the provisions of this act.

SEC. 3. That no part of the territory hereby annexed under the provisions of this act, or the inhabitants thereof, shall be liable for any debt or debts now or heretofore contracted by the city of Evansville of any kind or description whatever, nor shall any tax be assessed, collected, or raised from the said annexed territory or the inhabitants of the same, at any time, for the payment thereof.

SEC. 4. As soon as the annexation of the two towns mentioned in this act shall have been made in accordance with the same, the corporation known as the "President and Trustees of the town of Lamasco," shall cease to exist; but all books, papers, and property, real and personal, and all money and choses in action, belonging to, or held and possessed by the "President and Trustees of the town of Lamasco," shall vest in, and become the property of the corporation of the city of Evansville. The city of Evansville shall be responsible for the performance of all contracts, and liable for all debts and demands entered into, due, or payable from the president and trustees of the town of Lamasco, and shall have the right, by suit in its own name or otherwise, to enforce the payment and performance of all contracts and demands entered into with, or payable to the president and trustees of the town of Lamasco, and all other rights and liabilities of the president and trustees of the same shall vest in, and devolve upon the city of Evansville.

SEC. 5. This act shall be in force from and after its passage, shall be deemed a public act, and construed liberally for the purpose of carrying out the true intent and meaning of the same.

CHAPTER CLIV.

An act to incorporate the White River Navigation Company.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Daniel Moor, junior, Robert Hamilton, and Milton P. Adams, and such other persons as may be admitted into their association upon such terms as they shall mutually agree upon, and their assigns, be, and they are hereby constituted a body corporate, (and shall so continue while the rights and privileges conferred by this act subsist,) under the name of the White River Navigation Company, and by that name said company may contract and be contracted with, sue and be sued, and do all other things necessary or expedient to carry into effect the legitimate business of said company.

SEC. 2. Said company are hereby authorized to improve the navigation of White river from its mouth upwards as far as may be deemed practicable; and for that purpose may cut down and remove any gravel or ledge, bars, rocks, timber, or other obstruction in said river except mill-dams, and dams erected by the state, or any chartered company, or by any person or persons, under authority of law, and excepting bridges heretofore erected, or which may be hereafter erected under authority of law, said company may erect in the beds of said river partial dams for the purpose of concentrating the waters of said river in the deepest channel thereof, but such partial dams shall not exceed two feet in height above low water mark, and make upon the shore or bank, canal or canals, railroad or railroads, as may seem best, around any natural or artificial obstruction, so as to connect the navigable parts of said river: *Provided*, That in making any such canal the same shall be so locked and protected as not to divert the water from the machinery to which it is applied.

SEC. 3. Said company and their assigns shall have and enjoy the sole and exclusive right for the term of twenty years from the passage of this act, to navigate said river with vessels propelled by steam from Point Commerce to the feeder dam in Morgan county, or to any point above said dam by them improved as aforesaid, upon the condition that said company shall, within four years from the passage of this act, improve the navigation of the same so as to navigate and run boats propelled by steam, and adapted to the carrying of freight and passengers over the whole distance as aforesaid, at least three months in each year.

SEC. 4. Said company, in the exercise of the rights and privileges

in this act granted, shall not obstruct or hinder in any manner the navigation of said White river with any other craft, boat, or raft not propelled by steam, and any boat, craft, or vessel not propelled by steam, shall be permitted to pass through the locks made by said company under the provisions of this act, by paying to said company reasonable rates of toll, which rates of toll may be fixed by the Legislature at any time after such locks have been completed.

SEC. 5. This act to take effect and be in force from and after its publication in the Indiana State Sentinel.

CHAPTER CLV.

An act to authorise certain persons therein named to erect a Toll Bridge across the west fork of White river, at or near the falls, in Morgan county.

[APPROVED FEBRUARY 11, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That James M. Mitchel, Emanuel Isehour, Allen R. Seaton, Hannibal R. Stevens, and Josiah Graves, be, and they are hereby appointed a board of trustees to open and receive subscriptions of stock and donations of money or materials for the purpose of erecting a bridge across the west fork of White river, at or within one and a half miles above or below the falls or rapids of said river, about one mile from Martinsville, in Morgan county, they having given such notice thereof as they or a majority of them shall deem advisable, in writing or by publication in some newspaper of said county; said stock to be subscribed in money, labor, or materials, in shares of twenty-five dollars each, to be paid at such time or times and in such amounts as such trustees or a majority of them shall order; and upon failure of the person subscribing to pay the same after demand made, said trustees and their successors in office shall be entitled to recover the same in an action of assumpsit before any court of competent jurisdiction.

SEC. 2. That the sum to be raised as in the first section of this act is specified, shall not exceed six thousand dollars: *Provided, however*, If said sum shall be insufficient for the purposes in said section mentioned, that said board of trustees shall have power to increase the same to a sum sufficient therefor.

SEC. 3. Said trustees shall continue to act as such until the sec-

ond Monday in April, 1852, at which time and at the same time in each year thereafter, an election shall be held by the stockholders in said bridge, in the town of Martinsville, for the purpose of electing five persons, stockholders therein, to serve as trustees for the same for one year, and until their successors shall be elected; and in all such elections each stockholder shall be entitled to one vote for each share of stock by him owned in said bridge.

SEC. 4. Said board of trustees shall have power to erect a bridge of such dimensions and materials, at the point in this act designated, as to them shall seem proper: *Provided, nevertheless,* That they shall not so construct the same as to obstruct the navigation of said river by flat boats.

SEC. 5. Said board of trustees may, at their discretion, proceed to place said bridge under contract at any time after three thousand dollars of reliable stock shall be subscribed therefor; and after they shall have erected a good and substantial bridge across said river, and rendered the same safe for use, they shall have power to erect one gate thereon, and to demand and receive the following rates of toll for crossing on the same, to-wit: for every horse, mule, or ass with rider, five cents; for every carriage, wagon, or other vehicle drawn by one animal, ten cents; for every carriage, wagon, or other vehicle drawn by two animals, fifteen cents, and if drawn by more than two, twenty-five cents; for every single horse, mule, or ass, two and a half cents; and for every hog, sheep, or goat, one-half cent; and for every head of neat cattle, one cent.

SEC. 6. Said board of trustees shall appoint one of its members president thereof, and shall, at such time as the business thereof may require it, appoint a secretary, whose duty it shall be to keep a fair record of the proceedings of said board, issue stock certificates to the subscribers to said bridge under such regulations as may be prescribed by said board, and a treasurer, whose duties shall be prescribed by said board, and who shall execute his bond with good security to said board in such sum as they may require, conditioned for the faithful performance of his duties as such treasurer, and shall allow to such secretary and treasurer such compensation as said board shall consider reasonable.

SEC. 7. The president of said board shall, by virtue of his office, be the superintendent of said bridge during the time of its construction and after the same is finished.

SEC. 8. Said board of trustees shall have power to sue and be sued in and by the name and description of "the board of trustees of the bridge at the falls of White river, in Morgan county;" and to do all other acts necessary to carry into effect the provisions of this act, such as regulating the duties of all officers of said board, regulating the amount of tolls within the limits aforesaid, the interest and duty of stockholders in said bridge, and in declaring dividends of the profits derived from tolls among the stockholders therein at such

times and in such manner as to them shall seem advisable for the interest of the stockholders, and in appointing a gate keeper and collecting tolls.

SEC. 9. This act to take effect from and after its passage, and to have the force and effect of a public act.

CHAPTER CLVI.

An act for the relief of the Terre Haute and Richmond Railroad Company, and of the Indiana Central Railway Company.

[APPROVED FEBRUARY 12, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the Terre Haute and Richmond railroad company, and the Indiana central railway company severally, may acquire by purchase or donation or in payment for or subscription for stock in either of said companies, any lands or lots in the vicinity of either of said roads or any lateral branch thereof, or through which the same may run, or elsewhere so far as the same may be deemed advisable or necessary by either of said companies, to secure the right of way or aid in the construction or furnishing materials for such roads or any lateral branch thereof, and may hold, convey, or use the same in such manner as either of said companies may deem best for the advancement of the interests of either of said companies: *Provided,* That none of said branch roads to be located by either of said companies shall be more than twenty miles in length: *And, Provided,* No such lateral branch shall be constructed by either of said companies to connect at any point west of the west line of the county of Wayne with any other railroad leading to or in the direction of Cincinnati, Ohio, and either of said companies are authorised to locate and lease the use and right of way of any of said branch roads to any person, body corporate or politic.

SEC. 2. Either of said companies may at any time open books for the subscription and transfer of stock in such company in any city or place in the United States, and upon such terms and under such regulations as such company may prescribe.

SEC. 3. Either of said companies may construct or aid any other company in constructing any lateral branch to either of said roads in such manner as will facilitate or enhance the business of such company by reaching any iron or coal mine, stone quarry, or other

point from which to ship any ore, coal, stone, timber, lumber, or other freight in the best and most economical manner, and for that purpose may purchase or receive by gift any such lands as may be necessary or proper for depots, iron, coal, or other mines or stone quarries, and the same to open and work in such manner as will produce the largest amount of freights on either of said roads, or at any lateral branch thereof.

SEC. 4. This shall be a public act, and be in force from and after its passage.

CHAPTER CLVII.

An act to incorporate the Central Plank Road Company, of Vanderburgh county, Indiana.

[APPROVED FEBRUARY 11, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Samuel L. Olmstead, William P. Negley, Willard Carpenter, Samuel Orr, John Law, Edmund Mardlow, and Conrad Baker, of Vanderburgh county, and their associates and successors be, and they are hereby constituted a body politic and corporate, under the name and style of the Central Plank Road Company of Vanderburgh county, and by said name may sue and be sued, defend and be defended, answer and be answered unto in any competent court in this State, or elsewhere, and by such name shall make and have a common seal, and the same alter and change at pleasure, and shall be competent in law of contracting and being contracted with, and doing all things in their business as herein allowed, as natural persons may or can do, or as corporations might do at common law.

SEC. 2. The capital stock of said company shall be thirty thousand dollars, divided into shares of twenty-five dollars, with power to increase said capital stock if necessary, to accomplish the object herein contemplated.

SEC. 3. The directors in this act named, or a majority of them, shall meet at such time and place as they may agree on, and organize said company by electing one of their body president, and by choosing a secretary, and after their organization any five of said board shall be a quorum.

SEC. 4. As soon as two hundred shares of the capital stock are subscribed it shall be the duty of the company to give three weeks'

notice thereof in some newspaper printed in Vanderburgh county, and in such notice to appoint a time and place for the stockholders to meet and appoint five directors, who shall be stockholders, which election shall be held within three months after the last share of the said two hundred shares is subscribed for, and shall be conducted by three judges, appointed by the stockholders present, and the persons having a plurality of votes shall be declared duly elected. No share shall give any stockholder a right to vote at any election after the first unless the same shall have been held one month previous to such election. In all elections one share shall entitle the owner to one vote only, and votes shall be given by persons holding the same, by one of any partners, by the husband of any married woman, by the father, mother, or guardian of any infant, or by the executor, administrator, or trustee of any estate, or by the agent of any corporation, and by any person having a right to vote may vote by proxy.

SEC. 5. Said corporation, by their agent or agents, shall have power to examine, survey, locate, and make said road from Evansville, in the county of Vanderburgh, in a northerly direction towards the Gibson county line at or near the point where the State road leading from Evansville to Princeton crosses said county line, and the directors of said company may, with the consent of the board of commissioners of Vanderburgh county, locate the said road over and upon the said State road leading from Evansville to Princeton, or over, or upon any part thereof, and the said board of commissioners are hereby authorized to give their consent to the appropriation and occupation of said State road, or any part thereof, which is situated in Vanderburgh county, over and upon which the said company may desire to locate said Plank road, and said consent may be given by said commissioners at any regular or special meeting of the board, either to the persons mentioned in the first section of this act, or to the directors of said company, who may be subsequently elected.

SEC. 6. The said company shall commence the construction of said road within two years from the passage of this act, and complete so much thereof as shall be for the general interest of all concerned, and the means of the company will allow, and whenever said road is completed from Evansville to Pigeon Creek, the directors of said company may erect toll gates at such points, and at such distances from each other as they may deem proper, and exact and receive of and from all persons traveling, or for the privilege of driving or leading all kinds of live stock, wagons and teams, pleasure carriages, sleighs, and all other vehicles and things that may pass along said road, or any part of such tolls as the president and directors of said company may from time to time agree upon and establish, provided that said tolls shall never be established at a higher rate than the following, without the consent of the board

of commissioners of said county; that is to say for every sled, sleigh, carriage, [and] or other vehicle drawn by one animal, two cents per mile, and for every animal in addition thereto one cent per mile; for every horse and rider, or led horse, one cent and one half cent per mile; for each head of neat cattle, one-half cent per mile; for each head of sheep and swine one-fourth of a cent per mile.

SEC. 7. The said company shall have all the rights, powers, and privileges, and shall be subject to all the duties and requisitions contained in an act approved January 15, 1849, entitled an act authorizing the construction of Plank roads, except so far as said rights, powers, privileges, duties, and requisitions are changed or modified by the provisions of this act.

SEC. 8. This act shall take effect and be in force from and after its passage, and shall be deemed and taken to be a public act, and may be altered, amended, or repealed whenever the public good shall require it; *provided, however*, that the powers of alteration, amendment, or repeal, shall not be exercised until after said company shall have received sixty days' notice of the intention to exercise such power, which notice specifically set forth the causes of such alteration, amendment, or repeal, and may be given by serving a copy of such notice on the president, or any two of the directors of said company, or by publishing the same three weeks successively in any newspaper printed and published in Vanderburgh county.

CHAPTER CLVIII.

An act to incorporate the Blountsville, Smithfield, and Montpelier Plank Road Company.

[APPROVED FEBRUARY 12, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Eli Warner, George Whitehead, and Jonathan Bedwell, of the county of Henry; Stephen B. Cunningham, William Dynes, and William Lewis, of the county of Delaware; Josiah Twibell, James Ransom, and Lyman Simpson, of the county of Blackford, and their successors in office, duly elected in the manner hereinafter provided, are hereby constituted a body corporate and politic, by the name of the Blountsville, Smithfield, and Montpelier Plank Road Company, and by such name shall be able to sue and be sued, plead and be impleaded, defend and be defended, and answer and be answered unto in any court of law or equity having jurisdiction; shall have power to make and use a common seal, and the same to change at pleasure, and shall be capable in law to make contracts and enforce them when made, with full power and authority to acquire, possess, hold, use, and occupy and enjoy property both real and personal, and the same to sell, dispose of, and convey, as the same shall be for the interests of the said company, and make, establish, and put in force such necessary by-laws, rules, and regulations as shall enable them to carry into effect the provisions of this act, and the objects contemplated by the same, not inconsistent with the laws and constitution of this state.

SEC. 2. The capital stock of the company shall be one hundred thousand dollars, divided into shares of twenty-five dollars each, with power to increase the same to any sum necessary to carry into effect the provisions of this act, not exceeding two hundred thousand dollars, at the discretion of the president and directors.

SEC. 3. The directors in this act named, or a majority of them, shall meet at Smithfield, at such time as they may agree upon, and organize said company by electing one of their members president, and a majority thereafter shall constitute a quorum for business, and they shall have power to appoint a secretary and all other officers and agents necessary to carry the spirit of this act into effect. They shall keep a journal of their proceedings, in which they shall cause to be entered all their by-laws, rules, and regulations, and also all orders for the payments to their officers, agents, or persons in their employ, which proceedings thus entered shall from time to time be signed by their president at each sitting, and attested by their secretary; they shall sit upon their own adjournments, or on the call of the president, and in the absence of the president, they may appoint a president for the time being, and shall have power to fill vacancies that may occur in their own body.

SEC. 4. The said directors shall cause books to be opened for subscription to the capital at such time and place as they may see fit, due notice of which shall be given: in each of which books an entry shall be made in words and figures following: "We, the undersigned, promise to pay the sum of twenty-five dollars for each share of stock set opposite our names, in labor, materials, land, or money, in such manner, and in such proportions, and at such times as the president and directors of the Blountsville, Smithfield, and Montpelier Plank Road Company may direct. The value of all subscriptions other than cash to be settled by the directors, and to be appraised and taken at their actual cash value at the time of payment. Witness our hands this —— day of ———, 185 ."

SEC. 5. The said road shall commence at or near the town of Blountsville, in Henry county, thence to the town of Smithfield, in Delaware county, thence to Montpelier, in Blackford county, and as much farther north as to said company may seem practicable or necessary, with full power to the directors of said company to locate

the same over and upon any state or county road in either of said counties, with power to deviate from a straight line, if deemed necessary, and thereupon the state or county road over or upon which the same may run, shall be and become the property of said company for the purpose of making and maintaining said road and the gates and toll houses thereon. And the directors shall proceed, from time to time, either in person or by their agents, to examine, mark, and locate the route of their said road.

SEC. 6. The provisions of an act entitled "an act to incorporate the Decatur, Portland, and Winchester Plank Road Company," approved January 21, 1850, in all its force, letter, and spirit, and in all its parts, (so far as the same is applicable, and can be incorporated herein,) except the first, second, third, fourth, twelfth, and twenty-seventh sections of said act, be, and they are hereby extended to the said Blountsville, Smithfield, and Montpelier Plank Road Company, and they are hereby made a part of this charter to all intents and purposes, and all powers therein named and given, are hereby incorporated into this charter and made a part thereof, as fully as though the same was here set forth in words and figures as therein enacted.

SEC. 7. This act, in all its operations, shall be limited to one hundred years, and shall be liberally construed for all beneficial purposes: it shall be a public act, and shall be in force from and after its passage.

CHAPTER CLIX.

An act to amend an act entitled "an act to incorporate the Indianapolis and Springfield Plank Road Company," approved January 19, 1850.

[APPROVED FEBRUARY 10, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That said company be, and hereby are authorized to survey and finally locate the said road from Indianapolis to the state line in the direction of Springfield, Illinois, via Danville, New Winchester, Rockville, and Montezuma.

SEC. 2. Real estate may be received as capital stock in said company, but no such real estate shall be so received nor certificates of stock issued therefor until the same shall have been duly appraised by the president of said company, and approved and confirmed by the board of directors at any meeting thereof.

SEC. 3. Said company may, and are hereby authorized to sell

all real estate received as stock or acquired in any other manner whatever; but no such sale shall be made until an order to that effect shall be made by the board of directors, nor shall any such real estate be sold for a sum less than that fixed by said board.

SEC. 4. All conveyances for real estate sold by said company shall be executed by the president, under the corporate seal, and attested by the secretary of said company.

SEC. 5. All acts and parts of acts contravening the provisions of this act, be, and the same are hereby repealed.

CHAPTER CLX.

An act to incorporate the Indianapolis Gas Light and Coke Company.

[APPROVED FEBRUARY 12, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That C. Cox, William Hannaman, Alfred Harrison, A. W. Morris, N. B. Palmer, and their associates, be, and they are hereby created a body corporate and politic, with perpetual succession, by the name and style of the Indianapolis Gas Light and Coke Company, and by that name they and their successors shall be capable in law of contracting and being contracted with, suing and being sued, defending and being defended, in all courts and places, and in all matters whatsoever, with full power to acquire, hold, occupy, and enjoy all such real and personal estate as may be necessary and proper for the construction, extension, and usefulness of the works of said company and for the management and good government of the same, and they may have a common seal, and the same may alter or break at pleasure.

SEC. 2. The corporation hereby created shall have full power and authority to manufacture and sell gas, to be made from any or all the substances, or a combination thereof, from which inflammable gas is obtained, and used, for the purpose of lighting the city of Indianapolis or streets thereof, and any buildings, manufactories, public places, or houses therein contained, and to erect necessary works and apparatus for conducting gas in the streets or avenues of said city: *Provided*, That the said corporation shall so construct

their works as not to create any nuisance and that no permanent injury or damage shall be done to any street, lane, or highway of said city; but before digging or commencing operations, the said corporation hereby created shall first give notice to and obtain consent of the said city for that purpose; said consent, when obtained, shall be binding. The real estate which this corporation shall, or is entitled to hold, shall not exceed in value twenty thousand dollars.

SEC. 3. The capital stock of said company may be fifty thousand dollars: *Provided*, That amount of stock is necessary for the purpose of erecting, extending, or carrying on said works; but no stock shall be created for any other purpose than for the purpose herein set forth; to be divided into shares of twenty-five dollars each, to be subscribed for and paid at such time and in such proportions as shall be prescribed by the by-laws and rules of said company, each share entitling the holder thereof to one vote.

SEC. 4. The persons named in the first section of this act, or any of them, may at any time open books to the capital stock of this company, by giving five days' notice of the same in some newspaper printed in the said city of Indianapolis, and when forty shares shall be subscribed by responsible persons, a meeting of said stockholders shall be called by said stockholders, or by those holding a majority of said stock, by giving five days' notice in some newspaper published in said city of Indianapolis, at which meeting there shall be elected by ballot, not less than three nor more than five directors, and annually thereafter there shall be an election of directors, whose term of office shall continue until their successors shall be elected, and such election to be held at such places and at such times as the by-laws of said company may determine; and in case of any vacancy in said board, occasioned by the death or resignation of any member thereof, it shall be the duty of the board, within ten days after said vacancy occurs, to call a meeting of the stockholders, who shall elect a director to fill such vacancy, as in other cases; and the said city of Indianapolis may, in its corporate capacity, subscribe for an amount of the stock of said company, any amount not exceeding ten thousand dollars.

SEC. 5. The directors thus elected shall have power to make such by-laws and rules for their own government and for regulating the concerns of the company, as they shall think necessary and proper, respecting the management and disposition of the stock, property, and estates of the said company: *Provided*, The same shall not be inconsistent with the constitution and laws of the United States, or of the State of Indiana; said company shall have the privilege of supplying the city of Indianapolis and its inhabitants with gas for the purpose of affording light, for the term of twenty years; the duties of the agents and artificers employed by said company, and all other matters pertaining to the concerns of

said company are to be under the direction and supervision of the directors of the same: *Provided*, That nothing in this act shall be so construed as to grant to said gas light and coke company the exclusive privilege of furnishing said city with gas, for the purposes within named.

SEC. 6. The said city of Indianapolis, in its corporate capacity, shall have power to contract with said company to furnish gas for the purpose of lighting the streets, engine houses, market houses, or any public places or buildings, and may provide means to pay for the same in such manner as they may deem best; the stock and other property belonging to said company shall be placed on the duplicate and taxed as other property in the city of Indianapolis.

SEC. 7. Any person or persons who may maliciously or intentionally disturb, or injure, or molest any pipe or other property belonging to said company, or obstruct the free passage of the gas through its pipes, or use the gas of the company without its consent, shall, on conviction thereof, be fined in a sum not less than five dollars nor more than one-third over and above the whole amount of such damage, which amounts may be recovered before any court having jurisdiction thereof in the State.

SEC. 8. This act to be in force from and after its passage.

CHAPTER CLXI.

An act to locate a state road in the county of Warrick.

[APPROVED FEBRUARY 5, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Chester Elliott, sen., William Baker, and Justice Matthews, of the county of Warrick, be, and they are hereby appointed commissioners to view, mark, and locate a state road in said county, commencing at the town of Newburg, Warrick county, and state aforesaid, and running thence along the county road to William Baker's, sen., in a direct line through the Cypress flats, thence to Job Matthews' sen., and thence to the state road leading from Booneville to Rockport, intersecting it between Peter Collins' and Willis Baker's.

SEC. 2. The said commissioners, or a majority of them, after being duly sworn to perform their duties faithfully (which oath they

are hereby required to take) shall proceed, on or before the first day of September, 1851, to perform the duties required by the first section of this act.

SEC. 3. The said commissioners, after having completed said survey and location, shall return to the auditor of said county of Warrick a report of the survey made and marked by them, and it is hereby made the duty of the auditor of said county to have it recorded immediately, and the said county board shall order to be paid to the said commissioners for their services, such compensation as shall to them seem just and reasonable.

CHAPTER CLXII.

An act authorising the administrator and widow of Josiah F. Oakes, deceased, to execute certain quit claim deeds.

[APPROVED FEBRUARY 11, 1851.]

WHEREAS, It is represented to the General Assembly of the State of Indiana, that Josiah F. Oakes, late of Hancock county, deceased, in his lifetime, to-wit, on the seventh day of January, 1845, at the annual sale of delinquent lands for non-payment of taxes, held on said day at the court house door in the town of Greenfield in said county, purchased the following lots for taxes and costs due thereon, to-wit: lots number one, four, and eight, in block number six, in the town of Greenfield; AND WHEREAS, On the 13th day of April, 1848, the said Josiah F. Oakes received from the auditor of said county three several deeds for said lots respectively, by virtue of his said purchase for taxes: AND WHEREAS, Since the death of the said Oakes the owners of said lots at the time of such sale, have ascertained that the same were sold and deeded as aforesaid, and are desirous of redeeming the same; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be lawful for the administrator of the estate of Josiah F. Oakes deceased, together with the widow of said Oakes, to make and deliver to the owner or owners of the aforesaid lots at the time of the sale aforesaid, or his or their heirs or assigns, a deed or deeds of quit claim and release to the above recited lots of land respectively, on receiving from the owner or owners thereof at the time of such sale, his or their heirs or assigns, the full amount of the

purchase money so paid by said Oakes at the time of such sale, together with all subsequent taxes by him paid, with fifty per cent. penalty and six per cent. interest on the amount so paid as aforesaid, and also the full amount of charges that the said Oakes necessarily laid out and expended in and about obtaining and recording said deeds, and such deed or deeds of quit claim and release, when duly executed and acknowledged by the said administrator and the widow of said Oakes deceased, shall reinvest in the owner or owners of such lots at the time of such sale the title so held by him or them at the last mentioned time.

SEC. 2. Said administrator shall return and be chargeable with the amount he may receive by virtue of the first section of this act, in the settlement of said estate.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CLXIII.

An act to locate a State Road in the counties of Montgomery and Tippecanoe.

[APPROVED FEBRUARY 14, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That David A. Shannon, of the county of Montgomery, and Samuel Rankins, of the county of Tippecanoe, be, and they are hereby appointed commissioners to view, mark, survey, and locate a state road sixty feet wide, as follows: beginning with the Perrysville state road at Yountsville, thence with the county road running north, passing by New Richmond, and running through the Cherry Grove, thence north with said road to the High Gap, thence to Wood's mill on the Wea.

SEC. 2. That said commissioners shall meet in Yountsville, in Montgomery county, on the third Monday in April, 1851, or at any time thereafter upon which they shall agree, and after taking an oath faithfully and impartially to discharge their duties as such commissioners, proceed to view, mark, survey and locate said road; and should either of said commissioners fail to attend at the time and place appointed, the other one shall proceed to lay out said road as if both the commissioners were present, having due regard to private property and the public good.

SEC. 3. Said commissioners shall, after completing the survey and location of said road, within twenty days thereafter, file in the

auditor's offices respectively, of the counties of Montgomery and Tippecanoe, a report of their proceedings and survey.

SEC. 4. It is hereby made the duty of the several boards of commissioners of the said counties of Montgomery and Tippecanoe to have said road opened in pursuance of the law regulating the opening of highways in such cases made and provided.

SEC. 5. Said state road shall be subject to the gate laws on county roads now in force in the county of Tippecanoe, till the first day of June, 1852.

SEC. 6. This act to take effect and be in force from and after its passage.

CHAPTER CLXIV.

An act to enable the Board of Commissioners of Lake county to borrow money to build and finish a Court House and Jail.

[APPROVED FEBRUARY 4, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board of commissioners of Lake county be, and they are hereby authorised to borrow any amount of money that they may need not exceeding three thousand dollars, to finish the court house now partly finished, and to build a jail, at a rate of interest not exceeding ten per cent. per annum.

SEC. 2. In order to enable the said board of commissioners to borrow said money, or any part thereof, they are hereby authorised to issue their bonds in the following form, to-wit:

The board of commissioners of Lake county will pay to the bearer, at any time after the expiration of five years, and within ten years from date, that they shall tender the money, the sum of ——— dollars ——— cents, with interest at the rate of ——— per cent. per annum payable annually.

——— ———, Commissioners Lake county.

I, —— ——, county auditor, do hereby certify that the above bond was issued to the county treasurer this —— day of ———, A. D. 185—. In testimony whereof, I have hereunto set my hand, and affixed the seal of said board of commissioners, this —— day of A. D. 185—. ——— ———, Auditor of Lake county.

SEC. 3. The bonds so to be issued shall be assignable, and negotiable by endorsement thereon, so as absolutely to transfer and vest the property thereof in each and every endorsee successively.

SEC. 4. The said bonds shall be delivered by the county auditor to the treasurer of said county, and shall be charged by said auditor on the book in the auditor's office, to the treasurer of said county, as a part of the funds which have come into his hands for county purposes, and for a strict accountability thereof the said treasurer of Lake county and his securities shall be held liable.

SEC. 5. It shall be the duty of said board of commissioner of said county to provide, by taxation, for the annual payment of the interest on the amount of bonds by them issued, in a distinct and separate levy from the levy of taxes for ordinary county purposes, and the said amount so levied and collected for the payment of said interest shall not be appropriated for any other purpose whatever.

SEC. 6. In case the treasurer of said county shall not be able to dispose of said bonds at their par value, he shall not dispose of them, but shall return them to the auditor of said county, and the said county auditor shall give said treasurer credit therefor, and present the amount so returned to the board of commissioners at their next ensuing session, when the same shall be cancelled by burning, unless said board of commissioners shall think proper to grant the said treasurer a longer time to dispose of said bonds, and an order to that effect shall be entered upon the records of said board of commissioners, and certified by said auditor as having been done in the presence of said board of commissioners.

SEC. 7. This act to take effect and be in force from and after its passage, and the secretary of state shall immediately forward a certified copy of said act to the auditor of Lake county.

CHAPTER CLXV.

An act to establish a free turnpike road.

[APPROVED FEBRUARY 12, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That George Debolt of Randolph county, Daniel Hankins and George Bateman of Jay county, and Josephus Martin of Adams county, and their successors in office, be, and they are hereby appointed commissioners to view, mark, locate, and construct a free

turnpike road by the name of the Union and St. Mary's free turnpike, beginning at Union and extending from thence to Portland, the county seat of Jay county, from thence to West Liberty, in Jay county, from thence to the Wabash river, at or near William McDowel's mill, from thence to the line dividing sections two and three, in township twenty-five north, of range thirteen east, in the county of Adams, and from thence north on said line until the same intersects the Fort Wayne and Piqua plank road.

SEC. 2. Said commissioners shall meet at Union aforesaid, in Randolph county, on the third Monday of April, or some subsequent day, and after having taken an oath of office, (which may be administered by any person authorized to administer oaths) shall proceed to view, mark, and locate said road; and a copy of their proceedings shall be filed in the auditor's office of each county in or through which said road may be located.

SEC. 3. Said commissioners, in locating said road, shall have power to diverge from a straight line whenever the same may be necessary; and they shall also have power to locate the same on any county or state road wherever the same be favorable and necessary, and said commissioners shall be the sole judges of the propriety thereof.

SEC. 4. The commissioners aforesaid shall have power to appoint such agents as are necessary, receive all donations to, purchase all necessary implements for the construction of said road and carrying into effect the provisions of this act.

SEC. 5. The taxes levied on land for road purposes within two miles on each side of said road within the two extreme points of the same, shall be applied (under the directions of the commissioners aforeasaid) to the construction and repairing of said road, as taxes for road purposes are now applied in the respective counties through or in which said road may be located: *Provided, however,* Wherever said road runs through lands obliquely, the taxes on all eighty acres (or less) lots, any part of which is included within two miles of said road, [shall be applied to the construction of said road] as though the whole lot was included within the two miles aforesaid: *And provided further,* All road taxes levied on lands situate within two miles of the junctions of this road and a road known by the name of the free turnpike road in Jay county, created by an act entitled "an act to establish a free turnpike road in Jay county," approved January 13, 1845, shall be equally applied to the repair and construction of said road: *Provided, however,* The appropriation contemplated in this section shall not apply to any township in in Adams or Allen counties until the township trustees of said township shall deliver to the county auditor of said counties an order directing him to make said appropriation.

SEC. 6. And it is hereby made the duty of the county auditor of the several counties in which said road may be located, to furnish

the commissioner or commissioners of said road in his county, a list of all the taxes belonging to the road aforesaid as is now done to supervisors of roads and highways.

SEC. 7. Said taxes may be worked out on said road under the directions of the commissioners of said road as taxes for road purposes are now worked out under the supervisors of roads and highways

SEC. 8. Said commissioners shall annually settle with the board doing county business in the respective counties, as supervisors are now required, and they shall be liable for all mal-feasance, misfeasance, or non-feasance, as supervisors are by the laws now in force, and the board aforesaid shall allow them all reasonable expenses while in performing their duty as such commissioners, out of any funds belonging to said road; and when any vacancy shall happen from any cause whatever in the office of road commissioner aforesaid, the board doing county business in the county where said vacancy has occurred shall fill the same by appointing some suitable person to fill said vacancy.

SEC. 9. This act to take effect and be in force as soon as a copy thereof shall be filed in the auditors' offices of the several counties aforesaid.

SEC. 10. And it is hereby made the duty of the secretary of state to forthwith forward a copy of this act to the auditor of the respective counties aforesaid.

CHAPTER CLXVI.

An act to incorporate the Rising Sun Hotel Company.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That Shadrach Hathaway, Washington H. Hall, Hazlet E. Dodd, Maxfield Huston, Abel C. Pepper, James M. Reister, Joshua Haines, Archibald Moore, Thos. W. Pate, Bradley B. Loring, Almond Scranton, Henry Brown, Samuel Seward, Pinkney James, John H. Jones, Thomas Summons, Robert G. Youge, Alexander Jamison, and Hugh T. Williams, and their associates and successors be, and they are hereby created a body politic and corporate, under the name and style of the Rising Sun Hotel Company, and by that name may contract and be contracted with, sue and be sued, plead and be impleaded in all courts having jurisdiction, and do and per-

form all other acts and things necessary and proper to carry into full effect the business of said association.

SEC. 2. The capital stock of said company shall consist of such sum, not more than fifty thousand dollars, as may be necessary to carry out the objects of its incorporation, and said stock shall be considered personal property, and shall be transferable in such manner as may be directed by the company.

SEC. 3. Said stock shall be divided into shares of twenty-five dollars each, and may be taken by any individual, corporation, or company, to be paid in cash, labor, materials, or any kind of property, real or personal, that may be agreed upon, and in such way and manner, and at such times and places as shall be prescribed by the company.

SEC. 4. Any three of the persons named in the first section of this act shall constitute a quorum for doing business, and they may immediately proceed to open books for subscription to the stock of said company, and to do and perform all other acts necessary for the complete organization of said company.

SEC. 5. As soon as may be deemed expedient, after two thousand dollars of the capital stock shall have been subscribed, said commissioners shall, by giving at least ten days' notice thereof, appoint some convenient time and place for holding an election for five directors, each of whom shall be a stockholder in said company. Said commissioners shall regulate and manage such first election in all things, and give certificates to the persons elected, each stockholder at such first, and at all subsequent elections being entitled to cast one vote for each share of stock he may own, which may be done in person or by proxy, and the president and directors of said company shall be individually liable for all debts by them contracted beyond the amount of solvent stock subscribed at the time.

SEC. 6. All subsequent elections shall be held at such time and place, and in such manner as may be prescribed by the by-laws of the company, and as near as annually as may be practicable.

SEC. 7. As soon as the first board of directors shall have been elected, and shall have received their certificates of election, the said commissioners shall hand over to them the books, papers, and all other property of said company, and said board shall elect one of their number as president, and shall also elect a treasurer and secretary, either from their own number, or otherwise, as may be deemed expedient, and this mode of organization shall be observed by each subsequent board.

SEC. 8. A majority of said directors shall constitute a quorum, and shall have power to fill, by appointment, any vacancy in the board, or any of the other offices. To adopt such by-laws, rules, and regulations as may be expedient and necessary to carry out the powers and effect the objects herein contained.

SEC. 9. To appoint all needful officers, agents, and operatives. and to require bond and security from them.

SEC. 10. To enforce the payment of stock either by suit or forfeiture of stock with any amount already paid on the same.

SEC. 11. To acquire, lease, sell, or otherwise dispose of such real estate as may be necessary for the purpose of the company.

SEC. 12. To make and declare dividends of the profits to the holders of the stock of the company.

SEC. 13. The said company, or its lessee, are authorized to have a bar in connection with said house, and to retail spirituous liquors, subject to all the limitations, restrictions, and provisions of law in relation to the retailing of spirituous liquors, and to all the pains and penalties provided by law against persons keeping disorderly houses, selling or giving away liquors to minors, or to persons in a state of intoxication, or on the sabbath day, except to travelers, or cases of sickness.

SEC. 14. Said company shall have power to purchase or otherwise legally acquire the necessary ground therefor, and to erect the necessary buildings and appurtenances for a hotel in the city of Rising Sun, and to keep the same in repair; and should said company decide to do so they may lease or rent, and put in proper condition and repair, any building or buildings in said city to be occupied for the purpose aforesaid until a suitable building may be erected.

SEC. 15. This act shall be in force from and after its passage.

CHAPTER CLXVII.

An act for the relief of the heirs of Elizabeth Blatner, late of Dearborn county, Indiana, but now deceased.

[APPROVED FEBRUARY 11, 1851.]

WHEREAS, one Elizabeth Blatner, of the county of Dearborn, State of Indiana, departed this life on or about the 7th day of August, 1850, intestate, the owner of real estate situate in said county, and, whereas, it is represented to this General Assembly that said Elizabeth Blatner was not a naturalized citizen of the United States at the time of her death, and had not made her declaration of intention to be come one, therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all deeds or conveyances for land within the State of Indiana made to the said Elizabeth Blatner before her death, shall be deemed and taken to be as good and effectual in law and equity

to vest in her the title of the land thus attempted to be conveyed, as if said Elizabeth Blatner had at the time the said deed or deeds, conveyance or conveyances were made been a naturalized citizen of the United States.

SEC. 2. That any real estate of which the said Elizabeth Blatner died seized, or of which she would have been seized but for the disability of alienage, shall go to the persons that would have been entitled to the same if the said Elizabeth and the persons hereby authorized to take had been naturalized citizens of the United States, and the said persons are hereby vested with the same estate that the said Elizabeth would have had by the conveyances made to her if she had been a citizen, and that they would have had by descent from her if they had been citizens, and the State doth hereby relinquish to said last named persons all rights of, in, to, or over said land that may have accrued to her by escheat.

SEC. 3. And it is hereby declared to be the meaning of this act that the same persons shall take the property, real and personal, left by said Elizabeth by devise or descent, as the law may be, that would have taken the same if she and her kindred had been natural born citizens of the United States.

SEC. 4. This act to be in force from and after its publication in Indiana Statesman, and all laws conflicting with this act as to the persons embraced by this act are repealed.

CHAPTER CLXVIII.

An act to locate a State Road in the counties of Cass and Howard.

[APPROVED FEBRUARY 10, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That William Wilson and John McGrew, of Cass county, and Joseph Heaton, of Howard county, be, and they are hereby appointed commissioners to view, mark, and locate and establish a state road, commencing at the town of Circleville, on the south side of the Wabash river, and running thence to the state road leading from Logansport to Marion, striking said last named road at the school house on the land of Franklin Bowyer, in Tipton township, Cass county, and running thence west along said road to the east line of what is commonly called "the seven mile strip," on or near

the same on the best and nearest route to the town of New London, in Howard county.

SEC. 2. It shall be the duty of said commissioners, or a majority of them, to assemble on or before the 1st day of July next, and after taking an oath before some officer qualified to administer oaths, to faithfully discharge their duties respectively as such commissioners, to proceed to lay out, mark, locate and establish said road; and said commissioners shall have power to employ such surveyor, chainmen, and axemen as they may deem proper for the purpose aforesaid; and the said commissioners, surveyor, chainmen and axemen shall each be allowed by the board doing county business in the counties of Cass and Howard, such sum or sums as they shall deem just and proper in proportion to the distance such road may run through said counties respectively.

SEC. 3. This act shall take effect and be in force from and after its passage.

CHAPTER CLXIX.

An act to incorporate the Central Michigan Plank Road Company.

[APPROVED FEBRUARY 12, 1851.]

WHEREAS, By an act of the General Assembly of the State of Indiana, the Michigan Road Company has leave granted to it to convey to any other company incorporated under the provisions of the general plank road law of said State, or thereafter to be incorporated by act of the General Assembly, the right to construct a plank road from Indianapolis to a point 35 miles north of that city on the Michigan road; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That William Sullivan, Charles Parry, Alexander F. Morrison, Douglass Maguire, George E. West, Edward Lander, and Samuel Hood, of Marion county; John Hardin, Jacob Jones, of Boone county; and —— Holcroft, and their successors, and all the stockholders by this act constituted, be, and they are hereby constituted a body politic, by the name of the Central Michigan Plank Road Company, with all the powers, immunities, rights, and privileges (not in this act otherwise provided,) granted and pertaining to the Michigan

Road Company by their act of incorporation, approved January 13, 1845, and by the amendments to said act of incorporation thereafter by acts of said General Assembly, provided for and granted; and the said act so chartering the said Michigan Road Company, and the said amendments to said act in every respect not herein otherwise provided, shall be, and the same are hereby, to all intents and purposes, made a part of the charter of the Central Michigan Plank Road Company in this act incorporated.

SEC. 2. The purpose and object of this company and of this act of incorporation, shall be the constructing of a plank road from the city of Indianapolis to a point 35 miles north of said city on the Michigan road; the said road shall be planked nine feet wide; the capital stock of said company shall be $150,000, in shares of twenty five dollars each, and whenever four hundred shares of the capital stock shall have been subscribed and one dollar on each share pain in, it shall be the duty of the commissioners named in the first section of this act to order and hold under their direction an election for a board of directors of said company, of which said election three weeks' notice shall be given in some newspaper of general circulation, published in the city of Indianapolis, and thereafter such election shall be held annually, as in the act of incorporation made a part of this charter is provided.

SEC. 3. This act shall be in force from and after its passage.

CHAPTER CLXX.

An act to incorporate a company to construct a railroad from Newburgh, on the Ohio river, to connect with the Evansville and Illinois railroad.

[APPROVED FEBRUARY 11, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That. A. M. Phelps, Gaines H. Roberts, George Hathaway, Joshua Gray, Eli Lewis, Simeon Lancaster, William Lambert, Robert C. Phelps, William Shelby, Chester Bethel, R. C. Foster, and Albert Hazen, of the county of Warrick, and Noah Humphreys, William Knight, John Fickus, and Isaac Hutchinson, of the county of Vanderburgh, and State of Indiana, together with all such persons as may become stockholders, agreeable to the provisions of this act, shall be and are hereby constituted a body politic and corporate, in fact and in name, by the name and style of "The Newburgh and Vanderburgh Railroad Company," and by that name they and their successors may and shall continue for the term of seventy-five years from and after the passage of this act.

SEC. 2. The said corporation shall have the right and power to construct, and during its existence to maintain and continue a railroad with one or more tracks, and with suitable turn-outs, sidelings, and other appendages as may be deemed necessary for the convenient use of the same, commencing at the town of Newburgh, in Warrick county, and extending thence to the most convenient, nearest, and most practicable point, on the Evansville and Illinois railroad.

SEC. 3. The directors of said company may locate said road on such route as they may deem most convenient, practicable, and conducive to the interest of said company.

SEC. 4. The capital stock of said corporation hereby created, shall be two hundred thousand dollars, to be divided into shares of twenty-five dollars each; which shall be deemed personal property, and be transferable in such manner as said corporation shall direct by its by-laws.

SEC. 5. For the purpose of locating, constructing, maintaining, managing, and using said road, the said company shall have the same corporate powers, rights, and privileges, and be subject to the same duties and requisitions conferred and imposed on the Evansville and Illinois Railroad Company, by the act incorporating said company, approved January 2, 1849, and all acts amendatory thereto.

SEC. 6. This act to take effect from and after its passage.

CHAPTER CLXXI.

An act to incorporate "The Madison Medical Society," at Madison, in the county of Jefferson.

[APPROVED FEBRUARY 11, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That William Holcombe, William Davidson, Charles Swissler, Bernard F. Mullen, Samuel Brandeiss, Hugh W. Siddall, John

S. Irwin, and their associates and successors, be, and they are hereby created a body corporate and politic, with succession for thirty years, by the name and style of "The Madison Medical Society," and by their corporate name may contract and be contracted with, sue and be sued, plead and be impleaded, in all courts of law and equity in this State or elsewhere, may have and use a common seal, and may break, alter, or renew the same at pleasure.

SEC. 2. That they shall be capable of acquiring and holding property, real, personal, or mixed, by purchase, gift, grant, or devise, not exceeding the sum of twenty thousand dollars, and may sell, dispose of, and convey the same at pleasure; that they shall have power to form a constitution and by-laws for the government of said corporation, the arrangement and regulation of its fiscal concerns, the admission of its members, and the appointment of its officers, together with all other powers necessary for the corporate existence and the proper and efficient management of all its concerns: *Provided*, That said constitution and by-laws be not inconsistent with the constitution and laws of this State or of the United States: *Provided, also*, That no part of the stock of said corporation, or property owned by it, shall be used for any other than literary, medical, and scientific purposes, such as the purchase of periodicals, books, maps, charts, anatomical preparations, cabinets, scientific and philosophical apparatus, lands and buildings necessary for the use and convenience of the corporation, and to defray the expenses of such lectures or other instruction as may be deemed advisable, together with its other necessary expenses.

SEC. 3. That this act shall be taken and received in all courts and by all judges, magistrates, and other public officers, as a public act, and all copies of the same which shall be printed by, or under the authority of the General Assembly, shall be admitted as good evidence thereof, without any other proof whatever.

SEC. 4. This act to be in force from and after its passage, and the legislature reserves the right to alter, amend, or repeal this act, at any time.

CHAPTER CLXXII.

An act for the relief of the inhabitants of District No. one, in Congressional Township No. one north, of range two west, in Orange county.

[APPROVED FEBRUARY 10, 1851.]

WHEREAS, It has been represented to this General Assembly that the trustees of district No. one, in congressional township No. one north, of range No. 2 west, did heretofore make a purchase from the State of Indiana, for the purpose of securing a site for a school house off the north-west quarter of the south-west quarter of section eleven, (11,) in township No. one north, of range No. two west, of the saline lands of Orange county, when, in fact and in truth, said trustees intended and designed to purchase the north-west quarter of the south-east quarter of said section, township, and range, and on the last named tract have already built the school house, under the mistaken impression that their purchase was right; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the commissioners of saline lands in Orange county, and the proper officers of State, be, and they are hereby authorized and required to so change the entries in reference to said tract of land, and to correct the mistake and secure to said district the last described tract of land for the purposes aforesaid.

SEC. 2. This act shall be in force from and after its passage.

CHAPTER CLXXIII.

An act to enable the Auditor of Spencer county to convey a certain tract of land therein named to John Masterson.

[APPROVED FEBRUARY 8, 1851.]

WHEREAS, It is represented to the General Assembly, that on or about the 28th day of April, A. D. 1842, two several judgments were rendered in favor of the inhabitants of congressional township No. six (6) south, of range four (4) west, in the counties of

Spencer and Perry, against Hugh E. Masterson and John Masterson, by the Spencer circuit court, one of which judgments was for the sum of eighty-seven dollars and fifty-one cents, and costs, and the other for eighty-two dollars and eighty-eight cents, and costs; and the said Hugh E. Masterson being the principal debtor, and the said John Masterson being his security in both of the demands on which said judgments were rendered;

And Wheras, By virtue of execution issued on said judgments the following tract of land belonging to the said John Masterson, was levied upon by the sheriff of Spencer county, to-wit: the west half of the north-east quarter of fractional section No. twenty (20), in township number (6) six south, of range number four (4) west, in said county of Spencer, and was by said sheriff struck off and sold to the inhabitants of said township for the sum of two hundred and fifty-seven dollars or thereabouts, which tract of land, it is represented, was worth a much larger sum;

And Whereas, The said John Masterson has forfeited his right to redeem said tract of land;

And Whereas, The inhabitants of said congressional township have petitioned the General Assembly for the passage of an act allowing the said John Masterson to redeem said tract of land upon his paying said judgments and all costs, together with the usual interest due on the like funds; therefore,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board of commissioners of the county of Spencer be, and they are hereby authorised and required, upon the application of the said John Masterson, to ascertain and determine the amount of said judgments, including all costs and interest as aforesaid, and upon his paying the amount so ascertained into the proper funds, the said commissioners shall make an order authorising and directing the county auditor of said county to release and convey said tract of land to the said John Masterson and his heirs.

Sec. 2. The said board of commissioners, in ascertaining the amount to be paid by the said John Masterson may allow him such deduction or credit as they may deem just and equitable for the use of said tract of land, since the purchase thereof, and the deed which may be made by said auditor in pursuance of the directions of said board, shall pass all the title which said township or the inhabitants thereof may have in said tract of land.

Sec. 3. This act to take effect and be in force from and after its passage.

CHAPTER CLXXIV.

An act to amend the charter of the Central Plank Road Company.

[APPROVED FEBRUARY 13, 1851.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That an act entitled "an act to incorporate the Central Plank Road Company," approved January 16th, 1849, and an act amendatory thereto, entitled "an act to amend an act to incorporate the Central Plank Road Company, approved January 16th, 1849," approved January 8, 1850, be, and the same hereby are so amended that sections sixteen, seventeen, eighteen, and nineteen of an act entitled an act to authorize the construction of plank roads, passed January 15th, 1849, shall form and constitute a part of the charter of said Central Plank Road Company, and shall have the like force and effect as if the same were set forth in the act incorporating said company, or the act amendatory thereto.

Sec. 2. Said company may construct such portion of the track of said road of gravel or other hard substance, so as to make a hard, smooth, and even surface as the board of directors of said company may from time to time determine: *Provided*, The track so constructed shall not be less than sixteen feet in width: *Provided*, That the provisions of this act shall only relate to such portion or portions of such road as are already constructed or partly constructed of gravel or other hard substance other than plank.

Sec. 3. The board of directors shall provide by by-laws for carrying into effect any and all provisions of this act, free [full] power and authority for that purpose being hereby invested in them: *Provided*, That said company shall not be permitted to erect or maintain any toll gate or gates within three miles of the city of Indianapolis on the east or west.

Sec. 4. So much of the several acts to which this is an amendment, as comes in conflict with the provisions of this act is hereby repealed, and this act shall take effect and be in force from and after its passage.

CHAPTER CLXXV.

An act to amend an act entitled "an act to amend the act entitled an act to incorporate the city of Fort Wayne," and all acts and parts of acts amendatory thereto.

[APPROVED FEBRUARY 8, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the offices of city treasurer, assessor, collector, and recorder, provided for by the above act, be, and the same are hereby abolished, and it is hereby made the duty of the mayor of said city, in addition to the duties now required of him by law, to do and perform all duties heretofore required of said city recorder and such other duties as hereafter may be required by law.

SEC. 2. The common council of said city shall not hereafter borrow money or levy a tax upon the taxable property in said city for general purposes exceeding the sum of fifteen cents on each one hundred dollars valuation thereof in any one year, unless authorized so to do by the voters of said city at some general or special election in said city, when a majority of the votes therein shall be polled, a plurality of which said majority shall only be required to authorize additional tax to be levied. And it shall be the duty of the mayor of said city to notify the voters therein of the object for which said additional tax is intended to be levied, and of the time and place the said election will be held, at least two weeks previous thereto, in the newspapers in said city.

SEC. 3. The several duties heretofore required to be done by the officers of said city in the assessment and collection of the taxes and other revenues of said city are hereby transferred to the proper officers of the county. It shall be the duty of the assessor of state, county, and other taxes in said city, to make a separate list upon the assessment books hereafter to be made by him of the polls and taxable property within the limits of said city for state and other purposes, of the polls and taxable property in said city for city purposes. And it shall be the duty of the auditor of said county, in making out the duplicate of state, county, and other taxes in each year, to include therein, in a separate column thereon, and also in the aggregate on said duplicate the city taxes in accordance with the levy thereof, to be certified to him by the mayor of said city immediately after the same shall be made by the common council of said city, all of which shall be done each year in time to enable said auditor to make out said duplicate in pursuance of law; and the several provisions of the laws of this state for the assessment and collection of taxes for state, county, and other purposes, are hereby adopted and declared applicable to the assessment and collection of

all city taxes levied for general or special purposes, whether delinquent or otherwise. The treasurer of said county of Allen shall hereafter have the custody of the revenues of said city of all descriptions, in addition to the duties now required of him by law as such treasurer, and shall disburse and pay out the same upon the orders the mayor of said city, drawn in pursuance of appropriations made by the common council, and not otherwise; and shall also do and perform all other duties now required of the treasurer of said city or which may be hereafter required of him. Said treasurer shall keep an accurate account of all matters that shall be done by him in connection with the business of said city, and shall annually, on the first Monday in May, make settlement with the mayor and common council of said city, whose acquittance shall discharge him from all liability therefor.

SEC. 4. The road tax now assessed or which may be hereafter assessed upon property within the limits of said city, shall be paid in cash or city orders, and when collected, shall be by said treasurer paid out under the direction and authority of the mayor and council of said city, as they may direct, and as nearly as possible within the several wards where the same may be levied: *Provided, however*, That instead of the sum of twenty-five cents on each one hundred dollars now levied for road purposes on real estate in said city, only the sum of fifteen cents on each one hundred dollars valuation thereof shall hereafter be levied in any one year.

SEC. 5. That the treasurer of said city, before the expiration of his term of office in persuance of the provisions of this act, shall settle with the mayor and common council of said city, and pay over all moneys thereunto belonging to the treasurer of said county. And all the officers whose offices are hereby vacated shall hand over to the mayor of said city all books, papers, and property belonging to said city, in their hands.

SEC. 6. That the mayor and common council shall, without delay, pass or ordain such laws or ordinances as may be necessary to establish, and at all times have and maintain in the city a well regulated and general market or markets, to be held at least two days in every week.

SEC. 7. That the mayor and high constable of said city shall hereafter be elected annually by the people: *Provided, however*, That the present incumbents in said offices shall continue to hold their offices until the terms thereof shall expire.

SEC. 8. And the common council of said city shall not hereafter receive any compensation for their services.

SEC. 9. The county auditor of said county of Allen shall hereafter do and perform all the duties now required of any officer of said city in reference to the conveyance of any real estate heretofore sold or hereafter to be sold by the officers of said city, in all cases

where such conveyances shall not be made prior to the period when this act shall come in force.

Sec. 10. The mayor of said city and the treasurer of said county shall each execute bonds payable to the city of Fort Wayne in the several penalties of five thousand dollars, with security conditioned for the due performance of their duties required by this act, and such other duties as may hereafter be required of them, to the approval of the common council, which bonds shall be in addition to (and not in lieu of) the bonds heretofore given by them; and upon the failure of either of said officers to execute and deliver said bonds within fifteen days from the time this act shall come in force, it shall be the duty of the county commissioners to remove them, or either of them, from office, and immediately order a new election; and the several bonds hereafter to be given by any county officer of said county of Allen, shall, without any special provision to that effect, extend to all duties required of them or hereafter to be required of them in connection with the business of said city of Fort Wayne.

Sec. 11. The taxes for licenses enumerated in the eleventh article of the twelfth chapter of the Revised Statutes of 1843, whenever the trade, business, or purpose for which the same shall be obtained, shall be used or confined within the corporate limits of said city of Fort Wayne, shall be paid to the treasurer of the county of Allen, and shall constitute a portion of the general fund of the city treasury of Fort Wayne instead of the county treasury.

Sec. 12. The tax for licenses embraced in the foregoing section shall entitle the person paying to demand a receipt therefor, which the treasurer is required to give, and when obtained, shall be filed with the mayor of said city, who shall thereupon issue a license corresponding to the objects embraced in said receipt, which shall be attested by the seal of said city; and the mayor shall keep a record of the licenses so issued, together with the amounts paid therefor, which record shall at all reasonable times be open to inspection.

Sec. 13. Every person who shall carry on or transact any business specified in the general law of the revised statutes referred to in section —, or in any law that may hereafter be passed by the legislature, requiring a license, without first procuring such license, shall be liable to the same penalties and damages now imposed, to be recovered by suit in the name of said city of Fort Wayne, before the mayor or any justice of the peace resident with the corporate limits of said city; and the moneys arising therefrom shall be paid to the treasurer of the county, and constitute a portion of the fund of the city treasury as aforesaid. And it is hereby made the duty of the mayor to see that licenses are procured and paid for by persons who should obtain the same; and in cases of failure by such persons, to immediately institute, or cause to be instituted, suit pursuant to the requirements herein made. This act to be in force and take effect from and after the first day of March, 1851.

CHAPTER CLXXVI.

An act to locate a State Road from Bennettsville, in Clark county, to Salem, in Washington county.

[APPROVED FEBRUARY 14, 1851.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Thomas J. Howard and Louis Huff, of Clark county, and John McMahan, of Washington county, be, and they are hereby appointed commissioners to view, mark, and locate a State road, beginning at Bennettsville, in Clark county, on the nearest and best way running east of New Providence, in Clark county, to Pekin, in Washington county, thence to Salem.

Sec. 2. Said commissioners shall meet in Bennettsville, on the first Monday in March, or some subsequent day thereafter, and commence and enter upon the duties required of them by this act.

Sec. 3. The commissioners aforesaid shall, if they deem it necessary, call to their aid a surveyor, markers, and chain carriers, sufficient to carry the provisions of this act into effect, each of whom shall receive for his services a reasonable compensation, to be paid out of the road funds of said counties through which said road may pass, in proportion to the length of said road in such counties.

Sec. 4. The said commissioners, previous to entering upon the discharge of their duties, shall take an oath faithfully to discharge the same, and shall be paid for their services out of the treasury of their respective counties.

Sec. 5. It shall be the duty of said commissioners to file a certified copy of their report and survey in the office of each county auditor through whose county said road shall be located, within thirty days after the location, which report and survey shall be by said auditor laid before the board of county commissioners of said counties at their next meeting, who shall order the same to be entered on the record of their courts, and order the road to be opened: *Provided*, That each county shall bear the expenses incurred on said road within its respective limits.

Sec. 6. The width of said road shall not be less than forty feet, with bridges necessary to make it easy of transition for any kind of vehicles.

Sec. 7. This law shall be in force from and after its passage, and it shall be the duty of the secretary of state to transmit to each of the auditors of Clark and Washington counties a certified copy.

CHAPTER CXXLVII.

An act for the sale of the public square of Evansville, and the application of its proceeds to the erection of new county buildings for Vanderburgh county.

[APPROVED FEBRUARY 14, 1851.]

WHEREAS, The proprietors of the original plan and donation enlargement of Evansville, at, or shortly after the location of the county seat of Vanderburgh county, at Evansville, conveyed by absolute and unconditional deeds in fee simple four pieces of ground, two of which are in said original plan, and two in said donation enlargement, each of which pieces of ground is one hundred and fifty feet square, and each equal to two lots according to the plats of said plan and enlargement; one of said pieces of ground being situated at the south-east, another at the south-west, another at the north-east, and the other at the south-east [north-west] corner of Main and Third streets, in Evansville, and each of said pieces of ground being separated from the others by one or the other of said streets, which four pieces of ground are commonly called and known as "the public square of Evansville," and,

WHEREAS, The court house, jail, and other public buildings situated on said public square have become old and dilapidated, and are too small for the purposes for which they were originally erected, and it is necessary that a new court house, jail, and public offices should be erected in and for said county, and the said public square by reason of its being divided by said streets as aforesaid does not afford an eligible site for the public buildings of said county, but is valuable for ordinary business purposes, and could probably be sold for a sum sufficient to erect new county buildings as well as purchase a site for the same, and,

WHEREAS, The board of commissioners of said county, on the 28th day of November, 1846, caused a tract of land adjoining the city of Evansville to be purchased at a sheriff's sale as a site for the county seminary of said county, which tract was, on the 11th day of July, 1847, in pursuance of said purchase conveyed by the sheriff of said county to the State of Indiana for the use of the county seminary of said county, but no seminary has ever been erected thereon, and many of the citizens of said county being of opinion that said tract affords the most eligible site for the county buildings of said county, and the board of commissioners of said county, and sundry citizens of said county having petitioned the General Assembly for the passage of an act providing for the submission to the qualified voters of said county of the question whether said public square in Evansville ought to be sold and the proceeds applied to the erection of new county buildings, and to the purchase of a site for the same. Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the inspectors in the several townships in Vanderburgh county, at the next August election to propound to each person who shall be entitled to vote at said election, when he presents his ballot, the following question, to-wit: Are you in favor of the sale of the public square in Evansville, and the application of its proceeds to the erection of new county buildings? the answer to each of which interrogatories shall be noted down by the clerks of such elections, and the number voting in the affirmative and the number voting in the negative shall be certified by the inspectors of said elections to the county Auditor of said county at the same time that the returns of said election are required by law to be made.

SEC. 2. Said auditor shall, at the first regular or special session of the board of commissioners of said county which may be held after said election, lay before the board the certificates of said inspectors which may have been returned to him as aforesaid, and if it shall appear to said board from an inspection of said certificates that a majority of all the persons who voted on said question at said elections voted in the affirmative, then it shall be the duty of said board to make a record in their order book of the number of votes given in favor of the affirmative as well as the number given in favor of the negative of said question, which record shall be conclusive evidence of the facts therein stated.

SEC. 3. If a majority of the votes given in said county on said question at said election shall be in favor of the affirmative of said question, and a record thereof shall be made as aforesaid, it shall be lawful for the board of commissioners of the county of Vanderburgh at any time thereafter to cause a new site for the court house, jail, and other public buildings of said county to be selected and purchased, and also to cause the four pieces of ground mentioned in the preamble to this act, commonly called the public square of Evansville, to be sold and conveyed, and the proceeds thereof applied to the payment of the purchase money of said new site, and to the erection of new county buildings thereon in the manner hereinafter provided for.

SEC. 4. That John Cooper of Posey county, Gaines H. Roberts of Warrick county, and Elisha Embree of Gibson county, be, and they are hereby appointed commissioners to advertise for and receive sealed proposals for a sufficient quantity of land not exceeding five acres, within the corporate limits of Evansville, or any of its enlargements, or at any place not exceeding one mile from the present court house in Evansville, as a site for the court house, jail, and other county buildings of said county, and the advertisement

for said proposals shall be published for three weeks successively in some public newspaper printed and published in Vanderburgh county, and after the inspection of said proposals, and examining all the lands proposed to be donated or sold to said county, the said commissioners, or a majority of them, shall be, and they are hereby authorized and empowered to re-locate the seat of justice of said county on any tract of land which they may select in Evansville or its enlargement, or within one mile of the present court house of said county, and which they may deem most advantageous as a site for the public buildings of said county, and which can be procured on terms that they may deem reasonable: *Provided*, that said commissioners before proceeding to select said site shall be sworn faithfully and impartially to perform their duties under this act to the best of their judgment and ability.

Sec. 5. If any, or all of the commissioners named in the last section of this act should fail, neglect, or refuse to act under this appointment, or if any vacancy should occur in their body by death or from any other cause, then it shall be lawful for the board of commissioners of Vanderburgh county to appoint other commissioners, or to fill such vacancy, and the person or persons thus appointed shall have the same power as if he or they had been appointed by this act, and shall be governed by all the provisions of this act applicable to the commissioners named in the last section.

Sec. 6. If the commissioners who may be sworn to select said site, after examining the said county seminary tract, and all other tracts which may be proposed to be donated or sold to the county for the purpose aforesaid should be of opinion that said county seminary tract affords the most eligible site for the court house, and other public building of said county, the said commissioners may select three disinterested appraisers to value and appraise the same, who shall be sworn faithfully and impartially to value and appraise said tract at its fair cash value, and said appraisers after making said appraisement shall make a return thereof in writing to said commissioners, and said commissioners, after receiving such return may, if they think proper, select said county seminary tract as the site for the public buildings of said county.

Sec. 7. The commissioners aforesaid, after making a selection of a site for the public buildings of said county shall make out and present, or transmit to the board of commissioners of the county of Vanderburgh, a full report of their proceedings, setting forth and describing the tract selected and the terms and conditions upon which the owner or owners thereof proposes to donate or sell the same, which report shall be entered at large on the order book of said board, and said report and the record thereof shall be evidence of the facts therein contained.

Sec. 8. If said commissioners should select said county seminary tract as the site for the public buildings of said county as aforesaid,

it shall be lawful in that event for the county treasurer of said county to sell said county seminary tract to the board of commissioners of said county for the amount at which the same may have been appraised as aforesaid, to be paid as follows, to-wit: One-third thereof in one year, one-third in two years, and the remaining third in three years from the time of such sale, each of which installments shall bear interest at the rate of 7 per cent. per annum, to be paid annually in advance, and said treasurer shall make and deliver to the board of commissioners of said county, or to the county agent of said county a certificate of purchase setting forth the terms of said purchase, the amount of the purchase money, and that the board of commissioners of said county will be entitled to a deed in fee for the premises so sold on the payment of the purchase money, and immediately thereafter the said board of commissioners may take possession of said tract and apply the same to the purposes for which it may have been so selected, and as soon as the purchase money thereof shall have been fully paid to said treasurer, and the payment thereof shall have been certified by him to the county auditor of said county, the said auditor, or his deputy, may and shall, in the name and on behalf of the State of Indiana, convey said tract of land to the board of commissioners of the county of Vanderburgh, and to their successors, for the use and benefit of said county, and the deed of conveyance so executed by said auditor shall pass to said county all the interest which the State or the county seminary of said county may have in said tract of land, and the purchase money of said land shall belong to the county seminary fund of said county, [and] shall be managed and disposed of as other county seminary funds.

Sec. 9. As soon as a new site shall have been selected for the public buildings of said county in pursuance of the provisions of this act it may and shall be lawful for the board of commissioners of said county to cause the county agent of said county to sell, either at public or private sale, the said four pieces of ground mentioned in the preamble to this act, and commonly called the public square of Evansville, or such part thereof as said board may deem proper, either for cash or on such credit terms and conditions as said board may appoint or designate, and the said board may by and through the said county agent convey the premises which may be so sold to the purchaser or purchasers thereof, and any deed or deeds made by said county agent in pursuance of an order of said board conveying said property, or any part thereof, shall be effectual to pass all the title both legal and equitable, which said county, said agent, or said board may have in the premises conveyed by such deed or deeds, and such deed or deeds shall be *prima facie* evidence of the facts recited therein.

Sec. 10. That the said board of commissioners may, if they deem it expedient so to do, direct said county agent to make a di-

vision of the premises authorized to be sold by the last preceding section of this act, into lots, streets, and alleys, and to make and acknowledge a plat thereof, and cause the same to be recorded in the recorder's office of said county in the same manner that town plats are now by law required to be made, acknowledged, and recorded, and the same when so made and recorded shall have the like effect.

SEC. 11. The funds and moneys which may arise from the sale of the real estate authorized to be sold by the 9th section of this act shall be applied to the purchase of a new site for the county buildings of said county, to the payment of the expenses of selecting said site, and to the erecting of new county buildings thereon as contemplated by this act, and no part of said funds or moneys shall be diverted or applied to any other purpose, nor shall any part of the purchase money of said real estate be received or paid in the county orders of said county, until said site shall have been paid for and said buildings erected and paid for, and should there be a balance of said funds or moneys remaining after these objects are accomplished, such balance shall be paid into the county treasury of said county to be disposed of as other county funds.

SEC. 12. The board of commissioners of said county may require the funds and moneys which may arise from the sale of said real estate to be collected and disbursed by the county agent of said county, or by any other person that said board may appoint for that purpose, and the same shall be collected and disbursed under such rules and regulations as the said board shall from time to time establish, and said board shall require such agent or person to give a bond, payable to the State of Indiana, in such penalty and with such security as such board may approve, conditioned that such agent or person shall honestly and faithfully perform his duties in collecting and disbursing said funds under and according to the directions of said board, and that he will whenever and as often as said board may require, settle with and account to said board for all the funds, moneys, and effects which may have come to his hands from the sale of said real estate, and pay over the same, or such part thereof as may not have been disbursed by the direction of said board to said board, or to such person or persons as said board may appoint to receive the same, and the said board may allow such agent or person such compensation for his services as they may deem reasonable, and may also allow the commissioners who may select the site for said public buildings such sum as said board of county commissioners may deem just and reasonable.

SEC. 13. This act shall be deemed and taken to be a public act, and shall be in force from and after its passage, and it shall be the duty of the Secretary of State, as soon after its passage as practicable, to furnish a certified copy thereof to the auditor of Vanderburgh county.

CHAPTER CLXXVIII.

An act to incorporate the Albion and Lisbon Turnpike Company.

[APPROVED FEBRUARY 12, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Asa Brown, Leonard Myers, Jerome Sweet, William M. Clapp, and Alpheus Baker, of the county of Noble, and their successors in office duly elected as hereinafter directed, are hereby constituted and appointed a body politic and corporate, and by the name and style of the Albion and Lisbon Turnpike Company, shall be able and capable in law and equity to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto in any and all courts of justice whatever, to make and use a common seal, and the same to alter, change, or renew at pleasure, and shall be able and capable in law to make contracts and enforce the same, and to make and enforce the necessary by-laws, rules and regulations to enable them to carry into effect the provisions of this act and the objects contemplated by the same, not inconsistent with the laws and constitution of this State.

SEC. 2. The capital stock of said corporation shall be ten thousand dollars, divided into shares of twenty-five dollars, with power to increase the capital stock, if necessary to accomplish the objects herein contemplated.

SEC. 3. The directors in this act named, or a majority of them, shall meet at such time and place as they may agree on, and organize said corporation by electing one of their body president, and after such organization a majority of said board shall be a quorum to do business.

SEC. 4. The said corporation shall have power to appoint agents, clerks, treasurers, surveyors, superintendents, artists, and all other persons and officers necessary to carry into effect the provisions of this act; they shall keep a journal of their proceedings in which shall be entered all by-laws and regulations, and all orders for the payment of such allowances as may be made to their officers and all others in their employment, which journal and proceedings shall be signed from time to time by their president. They shall sit upon their own adjournments, or on the call of the president; when the president is absent they may appoint a president *pro tempore*, and shall fill all vacancies that may occur in their body.

SEC. 5. The corporation shall cause books to be opened for subscription to the capital stock at such time and at such places as they may think proper, in each of which books the following entry shall be

made: "We, the undersigned, promise to pay the sum of twenty-five dollars for each share of stock set opposite our names, in labor, materials, land, property or money, (the value to be settled by the board of directors,) in such manner, and and at such times and proportions as the president and directors of the Albion and Lisbon Turnpike Company may direct. Witness our hands, this —— day of ———, A. D. 185 ."

Sec. 6. It shall be lawful for all persons of lawful age, for the agent of any corporate body, for the agent of any State of the United States, on behalf of the same to subscribe for any amount of capital stock, and the books shall be kept open for such space of time and at such place or places as the corporation may choose; and said corporation may, by their agents, offer for sale in any other State, any amount of stock upon such terms and conditions as may be thought advisable; and they shall have power upon their own credit to borrow money, upon such terms, or raise means in such other ways, as may be agreed upon by the parties, or seems necessary to complete such road as is contemplated in this charter: *Provided*, That nothing herein contained shall be so construed as to authorize the county of Noble, or any township therein, by their agents or otherwise, to take stock in said company.

Sec. 7. As soon as three hundred shares are subscribed it shall be the duty of the corporation to give three weeks' notice thereof in some newspaper published in said county of Noble, if any is there published, otherwise by two manuscript notices, one in the clerk's office in Albion, and one at some public place in Lisbon, and in such notices to appoint a time and place for the stockholders to meet and elect five directors, who shall be stockholders and citizens of the State, which election shall be within six months after the last share in the three hundred shares shall be subscribed for, and shall be conducted by two judges, appointed by the stockholders present, and the persons having a plurality of the votes given and counted in public, shall be declared duly elected. No share shall have a right to vote at any election unless the same shall be held one month previous to the election. In all elections one share shall entitle the holder to one vote only, and votes may be given by persons holding the same, or by one of any partners, or by the husband, father, mother, executor, or administrator, trustee, or guardian, or by the authorized agent of any corporation, State, United States, or any person having a right to vote may vote by proxy.

Sec. 8. It shall be the duty of the directors elected as above, and those elected at all subsequent elections, to meet as soon thereafter as convenient and elect one of their own body president, and directors thus elected shall continue in office until the next annual election and until their successors are elected and organized.

Sec. 9. All elections after the first shall be held on the second Tuesday of December, annually, under the direction of three stockholders, not directors at the time, to be appointed by the board at a previous meeting, or by the stockholders present, of which election notice shall be given in manner as specified in section 7: *Provided*, That if, from any cause whatever, there shall be no election held on the day appointed, it shall be lawful to hold the election on any other day, to be designated by the directors.

Sec. 10. Certificates of stock shall be given to the stockholders, which shall be evidence of the stock held; they shall be signed by the president and countersigned by the clerk; stock shall be transferable on the books of the corporation only personally or by an agent, or attorney, or by the administrators, executors, trustees, or guardians; but such stock shall at all times be holden thereof to the corporation, or for any sum that may thereafter become due on a contract made prior to such transfer.

Sec. 11. The corporation shall have power to call for such part of the stock subscribed as may seem to them necessary to carry on the work, to be paid by the stockholders in such material, land, labor, property, or money, as shall have been designated by the party subscribing for such stock, to be paid at such time and place as the board of directors may designate by giving thirty days' notice in manner prescribed by section 7, or by giving written notice to the stockholders, in all such notices the amount demanded on each share, and the time and place of payment, shall be set forth; and it shall be the duty of the board of directors to give each person subscribing for stock in materials or labor, the privilege of furnishing the same upon the road most convenient to his premises; and if any stockholder shall neglect or refuse to pay or furnish such requisition within ten days after the time mentioned in such notice for such payment, the corporation shall have power to collect the same by an action at law in any court of competent jurisdiction, the same to be collected without the benefit of any stay, exemption, or appraisement laws.

Sec. 12. The corporation shall require of all officers and others in their employment, bond with security to their acceptance, with such penalty or penalties as they may think proper for the faithful performance of their respective duties.

Sec. 13. The corporation, by their agent, shall have power, from time to time, to examine, mark, and locate the route of said turnpike road, from Lisbon, in Noble county, to Albion, in said county, with power to diverge from a direct line for the interest of the company or public convenience; such road shall not exceed one hundred feet in width; and for the purpose of making such examinations and location it shall be lawful for the corporation by their agents and persons in their employ to enter upon any lands to make survey and estimates for the purpose of searching for stone, gravel, wood, or other material necessary for the construction of said road.

SEC. 14. It shall be lawful for the corporation, either before or after the location of any part of said road, to obtain from the person or persons through whose lands said road may pass, a relinquishment of so much of said land as may be necessary for the construction of said road or location thereof, as also the stone, gravel, wood, timber, or other materials, that may be obtained on said route or near thereto, for the benefit of said corporation, and all such contracts, relinquishments, donations, gifts, grants, and bequests made and entered into in writing, by any person or persons capable in law to contract, made in consideration of such location or otherwise, and for the benefit of said corporation, shall be binding and obligatory, and the corporation may have their action at law or in equity, in any court of competent jurisdiction, to compel the observance of the same.

SEC. 15. The corporation shall cause said road to be opened not exceeding one hundred feet wide, and make an artificial road of such less width as they may think most advantageous, and such road to be covered with gravel, sand, wood, stone, clay, coal, or such other materials as can best be secured, to be put on in as compact a manner as is usual for such materials.

SEC. 16. If it shall be found convenient or advantageous to the construction and location of said road, the corporation shall have the right, after first having obtained the consent of the board doing county business in Noble county, to lay the same along or upon any State, county, or township road: *Provided*, That all State [and] county roads crossing said turnpike road, shall be left open and free.

SEC. 17. That when said road, or any particular section thereof, shall be located, it shall be the duty of said corporation to cause a plat or plats thereof to be deposited in the office of the county auditor of Noble county, and after that time it shall not be lawful for said corporation to alter or change any part thereof unless said corporation pay the owner or owners of the land on said route the amount of damages they may sustain by such change.

SEC. 18. That if said road, after its completion, shall be suffered to go to decay and be impassable one year, unless the same is repairing, this charter shall be considered as forfeited.

SEC. 19. The corporation shall commence the construction of said road within five years and complete the same within ten years; and whenever four continuous miles of said road shall be completed agreeably to the provisions of this act, the county commissioners of said county of Noble shall appoint an agent to examine the same and report his opinion in writing to the corporation, and if said road report shall state the road, or any continuous four miles of the same, to be completed agreeably to the provisions of this act, the corporation may then erect a gate or gates at suitable distances apart, and demand and receive of all persons traveling said road such tolls and at such rates as the said company may determine

upon, to collect and receive from all persons traveling or for the privilege of driving all kinds of live stock, wagons, and teams, pleasure carriages, sleighs, and all other vehicles, and things that may pass said road or any part thereof, as shall be for the interest of said company, and the same to change, lower, or raise at pleasure; a list of the rates established from time to time, shall be posted up at some conspicuous place or places at each gate: *Provided*, Said company shall not charge or receive a greater rate of toll than is allowed by the provision of the general plank road law.

SEC. 20. If any person or persons using said road shall, with intent to defraud said company, or to avoid the payment of toll, pass through any private way, gate, or bars, or along any other ground near to said turnpike gate which shall be enclosed pursuant to this act, or shall practice any fraudulent means with intent to evade or lessen the payment of such toll, or if any person shall take another person off said road with intent to defraud said corporation, each and every person concerned in such fraudulent practice shall, for every such offence, forfeit and pay to the corporation the sum of five dollars, without any benefit of stay, exemption, or appraisement laws, to be recovered with costs of suit, in an action of debt at the suit of the corporation before any justice of the peace in the county: *Provided*, That nothing in this act shall be so construed as to prevent persons residing along said road from passing about their premises between the gates on said road upon ordinary business.

SEC. 21. The company shall put up a post or stone at the end of every mile with the number of miles from the place where the road may commence, fairly cut or painted thereon; and also in a conspicuous place near each gate shall be placed a board with the rates of toll fairly painted thereon.

SEC. 22. Any person wilfully or negligently destroying, defacing, or removing any guide-board, mile-post, or stone, or list of rates of toll created on said road, shall, on conviction thereof before any justice of the peace or court having competent jurisdiction, forfeit and pay a sum not less than five nor more than twenty dollars, to be recovered with costs of suit in an action on the case at the suit and for the use of the corporation.

SEC. 23. If any toll-gatherer on said road shall unreasonably detain any passenger after the toll has been paid or tendered, or shall demand or receive a greater toll than is by this act allowed, he shall for every such offence, forfeit and and pay a sum not exceeding ten dollars, to be recovered before any justice of the peace having competent jurisdiction, within twenty days after the occurrence.

SEC. 24. The corporation shall cause to be kept a fair account of the whole expenses of making and repairing the road or any section thereof, with incidental expenses, and also a fair account of

the tolls received, and the books of the corporation shall always be kept open for the inspection of an authorized agent of the State or stockholders of said company; and the company shall have the right to sell the stock of the State upon such terms as they may agree on.

SEC. 25. This charter shall be limited to fifty years in its duration, and be in force from and after its passage, and be liberally construed as a public act for all beneficial purposes.

SEC. 26. The directors that may contract any debts over and above the amount of stock subscribed, shall be individually liable in their individual capacity for the payment of all dues to laborers for work done upon said road which shall not have been paid when due by the company in its corporate capacity.

SEC. 27. The legislature reserves the right to repeal this charter whenever its provisions are violated; but if repealed, the assets, after the payment of all liabilities, shall be divided among the several stockholders in proportion to the amount of stock paid in by each.

CHAPTER CLXXIX.

An act to repeal an act therein named, relating to the county of Elkhart.

[APPROVED FEBRUARY 8, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That an act entitled "an act in relation to county auditor and treasurer of Elkhart county," approved January 13, 1845, be, and the same is hereby repealed.

CHAPTER CLXXX.

An act to incorporate the Kankakee Bridge Company.

[APPROVED FEBRUARY 12, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That William Stoddart, John Bartholomew, George Eaton, Joseph Unnigh, Jesse Spencer, Benjamin N. Spencer, Joseph Bartholomew, Vanvleet Ansley, William Price, Stewart R. Spencer, and such other persons as they may from time to time associate with themselves under the provisions of this act, be, and they are hereby constituted a body politic and corporate, under the name and style of the Kankakee Bridge Company, and by that name shall be capable of holding real estate sufficient to carry into effect the provisions of this act, and of sueing and being sued, pleading and being impleaded, defending and being defended both in law and equity in all cases whatever, and shall have full power and authority to ordain and establish all such laws, rules, and regulations, not repugnant to the Constitution and laws of this State, or of the United States, as shall from time to time be deemed necessary for the good management and interests of said company.

SEC. 2. The capital stock of said company shall be five thousand dollars if necessary, divided into shares of twenty dollars each.

SEC. 3. That it shall and may be lawful for said company to erect and construct a bridge of convenient size and strength for the passage of travelers, teams, and droves, with good and sufficient hand railing on each side, across the Kankakee river, at Sherwood's ferry, in Porter county, and for that purpose is hereby authorized and empowered to purchase of the proprietors the land and materials necessary and proper for the construction of said bridge.

SEC. 4. In case said company shall not be able to agree with the owners of the land hereby authorized to be purchased, then the said company shall have power to enter upon said lands for the purposes in this act mentioned, and on the application of the owners of such land to the board of commissioners in the county in which said land may lie, such board of commissioners shall cause the damages to be assessed in the same manner as is pointed out in the act in relation to laying out public highways.

SEC. 5. On the erection and completion of the bridge aforesaid, the owners, agents, or assignees may ask, demand, and receive such tolls as the board doing county business in the county of Porter shall direct.

SEC. 6. It shall be the duty of the owners of said bridge, their

agents, heirs, or assigns, to keep up in some convenient place on said bridge where the toll shall or may be received and collected, a list of the rates of toll allowed to be received, which list shall be printed in large English print, and for neglecting the same over ten days shall forfeit and pay the sum of ten dollars, to be recovered before any justice of the peace by the person sueing for the same.

Sec. 7. If any person or persons shall willfully pull down, deface, or destroy such printed list of rates, or in any other way injure or impair said bridge, or cause it to be injured, he, she, or they so offending shall, upon conviction thereof, be liable to said company in treble the amount of damages sustained, to be recovered with costs of suit in an action of trespass, in any court of competent jurisdiction.

Sec. 8. It shall be the duty of the company aforementioned, their agents or assigns, to keep the said bridge in good repair, and also to cause the marsh on the north and south side of the river to be kept bridged and well turnpiked from the main bridge to the bluff on each side, and in default thereof after reasonable time to repair, bridge, and turnpike the same, shall forfeit their charter.

Sec. 9. If the aforementioned company, their agents or assigns, shall demand or receive from any person or persons any higher or greater toll than the rates that may be authorized by the board of commissioners of Porter county, as provided for in the fourth section of this act, he or they shall forfeit and pay the sum of five dollars for the use of the road on which the bridge is located, to be recovered by action of debt at the suit of the party aggrieved.

Sec. 10. The aforementioned company, their agents, assignee, or assignees, shall within three years from the passage of this act, build said bridge in manner and form as aforesaid, otherwise this act to be null and void.

Sec. 11. This act to take effect and be in force from and after its passage, and to endure so long as said bridge shall be kept in repair and good condition: *Provided*, that after the lapse of twenty-five years from and after the bridge shall be completed, the Legislature reserves the right to alter and, amend, or repeal this charter.

Sec. 12. All laws and and charters coming in conflict with this act are hereby repealed.

CHAPTER CLXXXI.

AN ACT to incorporate the Washington and Maysville Plank Road Company.

[APPROVED FEBRUARY 11, 1851.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Elisha Hyatt, Thomas B. Graham, John Van Trees, Alfred Davis and John Hyatt, be and they are hereby appointed commissioners to open books at such places, and at such times within one year, as they shall deem expedient for subscriptions to the capital stock in a company to construct a plank road from Washington to Maysville, in the county of Daviess, State of Indiana, be to called the Washington and Maysville Plank Road Company, giving twenty days' notice of the time and place that such subscriptions will be received.

Sec. 2. The capital stock may consist of ten thousand dollars, or more if found necessary to construct said road, and such stock shall be divided into shares of fifty dollars each: *Provided*, That as soon as four thousand dollars shall be subscribed, said commissioners shall order an election, of which, they shall duly notify the stockholders of the time and place, to elect five directors of said road, who shall serve for the term of one year or until their successors shall be duly elected and qualified, and said directors shall as soon thereafter as may be, proceed to elect from their body a president, who shall serve for the term aforesaid.

Sec. 3. Said company shall every year after said first election, proceed to elect directors and president as prescribed in the foregoing second section, and at all said elections, each share of the stock subscribed shall entitle the holder to one vote, and a majority of such votes shall elect: *Provided*, that no shareholder shall be entitled to more than twenty votes, and any stockholder may vote at all such elections by proxy.

Sec. 4. Said commissioners or a majority of them shall act as judges of the first election, and at all subsequent elections, the board of directors shall be the judges of the elections, unless otherwise ordered by said board; a majority of said commissioners may act and perform all the powers hereby conferred—all vacancies occurring either in said board of commissioners or said board of directors hereafter to be elected shall be filled by said board respectively.

Sec. 5. No person shall be a director of said company, who is not a stockholder, and all proxies shall be in writing and signed by the stockholder so voting; but said company may appoint such officers and assistants, other than directors, as may be necessary in

their operations, whose duties and compensation shall be regulated by said board.

SEC. 6. As soon as said directors are elected first as aforesaid, said commissioners shall deliver to said board the subscription books, and any and all papers or effects which may be in their hands, and said directors shall have power to supply all vacancies which may from time to time occur in any of their offices or appointments.

SEC. 7. Said company shall be a body corporate and politic, and as such, shall have power to contract and be contracted with, to sue and be sued, and shall have all the rights, privileges and immunities which attach to bodies corporate, and shall have power to make and ordain all necessary by-laws for the government of said corporation, and the protection of their property in said road, provided, such by-laws are not inconsistent with the laws of this State —to demand of said subscribers the sums subscribed at such times, and in such sums as they may deem expedient, and upon refusal to pay, to sue for and collect the same before any court of competent jurisdiction in this State, and should any of such subscribers fail to pay their said stock in full, they shall forfeit all paid, and said board may receive and substitute other persons in their stead, and said company shall use a common seal.

SEC. 8. Said board of directors shall issue to each stockholder as soon as he or she has paid their stock, a certificate thereof, which said certificate shall be transferable without assignment thereon, but the same when tranferred shall always be transferred upon the books of said company.

SEC. 9. Said company are hereby authorized to construct said road by grading, bridging and planking of such width and in such manner as said company shall order and direct: *Provided*, the same be done in a good substantial manner, and within two years from the passage of this act.

SEC. 10. Said company is hereby authorized and empowered to procure from the owners of the land through which said road shall run, the right of way for the same, and if said owners upon being tendered the full value of all damages for said right of way, refuse to grant the same, then said company shall have power to pass over the same by depositing the amount of said damage with the clerk of the circuit court of said county, for the use of said owners, and upon suit brought by said owner or owners for said damage against said company, the proof of tender as aforesaid shall be a bar to said action, said board may, if they deem it advisable, occupy and use that portion of the State road or any part thereof between Washington and Maysville: *Provided*, that they shall not be allowed to obstruct the road while operating thereon, in such manner as to interrupt the travel on the same.

SEC. 11. As soon as said road is graded, bridged and planked substantially, and ready for the travel, the said board may erect

sufficient toll gates for the collection of tolls, not above the rates hereinafter mentioned for the whole distance between the said points, to-wit: for each and every four wheeled wagon, carriage or other vehicle drawn by one horse, five cents; for every horse or other animal in addition, two cents; for every cart, chaise or other vehicle with two wheels drawn by one horse, four cents; and for every horse or other animal in addition, two cents; for every sleigh or sled drawn by one horse, four cents; and for every horse or other animal in addition, two cents; for every pleasure carriage or vehicle designed for the conveyance of passengers, drawn by one horse, six cents; and for every additional horse or other animal, two cents; for every horse, mule, ass or animal and rider, three cents; for each horse, mule or ass one year old and upwards, one cent; for each head of cattle, one cent; for each head of sheep or swine, one quarter of a cent.

SEC. 12. The board of directors of said company, or any agent duly authorized by them, may at any time negotiate a loan, not exceeding in amount one half the stock subscribed to said company, if deemed expedient by said company, for the more speedy completion of said road, and for the payment of any such loan agreeable to terms agreed upon, said company shall bind themselves by their bond, signed by their president, which bond or bonds when duly issued, shall be and remain a lien upon said road and all the property of said company, for the payment of all the interest which may accrue upon said loan or loans, and for the payment of the principal when due, each bond having priority when issued according to age.

SEC. 13. Each toll gatherer on said road, may detain any person or animals from passing said road, when subject to pay toll, until such toll is paid: *Provided*, that every person shall pass said road, toll free, who may be going to a religious meeting on Sunday, or to a funeral, or to an election.

SEC. 14. Any person who shall wilfully break, or injure any gate on said road, erected in pursuance of this act, or shall injure said road or bridges belonging thereto, in any way, or forcibly or fraudulently pass any such gate without having paid the legal toll, or to avoid the payment thereof, shall, with his team, carriage or animal, turn out of said road, or pass any gate thereon or ground adjacent thereto, and again enter thereon with intent to defraud said company, shall, for each such offence, forfeit a sum not exceeding ten dollars, to be sued for by said company before any justice of the peace, and collected for their own use.

SEC. 15. Said corporation hereby created, shall exist and be continued for and during the term of twenty-five years: *Provided*, they keep said road always, and at all times, (after its completion) in good repair and in safe condition to accommodate the travel thereon.

SEC. 16. This act shall be in force from and after its passage, and shall be construed liberally.

CHAPTER CLXXXII.

An act to incorporate the town of Plymouth, Marshall county, Indiana.

[APPROVED FEBRUARY 11, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That John Congle, N. Sherman, R. Brown, W. G. Pomeroy, G. S. Cleveland, Thomas McDonald, and Joseph Evans, be, and they are hereby appointed trustees of the town of Plymouth, in the county of Marshall, to serve as such until the second Monday in March, 1852, and until their successors are elected and qualified as hereinafter directed.

SEC. 2. That the trustees aforesaid when meeting under this act shall elect a president from their own body, whose duty it shall be to preserve order and put all questions before them, and upon an equal division of the board give the casting vote, and at the close of such meeting shall sign the minutes of the same, and said trustees, and their successors in office, shall appoint officers necessary to carry into effect the provisions of this act, and make such compensation to such officers as a majority of the board may deem reasonable.

SEC. 3. That said president and trustees of said town of Plymouth, and their successors in office shall be, and they are hereby constituted and declared a body politic and corporate, with perpetual succession, by the name and style of the President and Trustees of the town of Plymouth, and by their corporate name shall be capable in law and equity to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any court having competent jurisdiction, and shall have power to make, have, and use a common seal, and the same to alter, amend, and break at pleasure; to ordain, establish, and put into execution and carry into effect such by-laws, rules, ordinances, and regulalations necessary and proper for the benefit, convenience, good government, and police of said town.

SEC. 4. That said president and trustees, or a majority of them, shall have power to lay off said town into as many wards as they shall deem necessary, should they deem it expedient to do so. And on the first Monday in March, annually, there shall be an election at some convenient place in said town, to be designated by said president and trustees, for the purpose of electing by ballot five trustees of said corporation, at which election each white male inhabitant of said town who shall have the qualifications of a voter for State and county officers, and shall have resided in said town three months next preceding such election, shall be entitled to vote at the same; ten days' notice of which election shall be given by the

president and trustees, by written notices, posted up in three of the most public places in said town, or by publication in a newspaper, if there be one published therein, designating the time and place of holding such election.

SEC. 5. The president of said board of trustees shall act as inspector of such election, or in his absence such other person as the president and trustees shall appoint, and if there shall be no inspector present by the hour of 10 o'clock, A. M., then the voters present shall choose an inspector. The inspector shall appoint two qualified voters who shall act as judges with him, and one qualified voter to be clerk of such election, all of whom shall be duly sworn before proceeding to receive votes. Said election shall be held between the hours of 10 o'clock, A. M., and 4 o'clock P. M., and after the polls shall be closed, said board of judges shall immediately proceed to count the votes given, and the several persons receiving the plurality of votes at such election, shall be by said inspector publicly declared elected. Said board of judges shall make out, under their hands and seals, a certificate of such election, and shall file the same forthwith with the clerk of the corporation, who shall file and record the same, and give to each of the persons elected a copy thereof, as soon thereafter as shall be practicable.

SEC. 6. It shall be the duty of the president to sign all laws, ordinances, and decrees, of a public nature, and also to sign the records of all by-laws, and journals, and minutes of their proceedings, and at the first meeting of the president and trustees after the taking effect of this act, and after each annual election, as soon as may be convenient, they shall elect or appoint a clerk and treasurer, and also a marshal of said corporation, should they think it expedient so to do, each of whom shall serve one year, and until their successors are appointed and qualified, and shall possess the qualification of voters, and take an oath similar to that of the trustees, give bond and security, payable to said president and trustees, conditioned for the faithful discharge of their duties respectively, and on failure to perform all or any of the conditions of said bond, they shall be liable to the suit of the president and trustees aforesaid on said bond, or against them and their securities; and said president and trustees may assign breaches upon the conditions of said bonds, and recover judgment for any default in the discharge of the duties of said officers, together with full costs of suit and six per cent. damages, if suit be brought for the non-payment of any sum of money due said corporation, or for other default, in any court of competent jurisdiction, upon which judgment there shall be no stay of execution or benefit of appraisement laws.

SEC. 7. The president and trustees shall have power to levy, annually, and collect a tax on real property within the corporate limits of said town, not exceeding one per centum on its valuation, including improvements, and on all shows and amusements which

may be exhibited for gain in said town, or within one half mile of the limits thereof, not less than one, nor more than fifteen dollars for each exhibition, and may levy a poll tax on each qualified voter not exceeding one dollar. Said president and trustees may also require all non-residents who may wish to vend goods, wares, and merchandise, or other articles, at auction, within the corporate limits of said town, to pay into the treasury of said corporation, a sum not less than one nor more than five dollars, for every twenty-four hours he, she, or they may wish to continue such auction or vendue, and the treasurer's receipt for moneys paid into the treasury under this section, when presented to the clerk of said corporation, shall be sufficient authority for that officer to grant to the person demanding it, a license for the purpose therein specified.

Sec. 8. The president and trustees shall have power to pass such laws and ordinances, or decrees, as may be necessary to guard against damage by fire, to organize fire companies, and govern the same, to regulate markets, prevent the erection or continuance of nuisances, and to provide for the abatement or removal of the same; to make and keep in repair public wells, and shall have the sole power to keep in repair all streets, alleys, and drains, and regulate the same as the public good may demand, agreeable to the plan of said town, and generally enforce, by proper penalty, the observance of all laws, ordinances, decrees, &c., relative to the police, and other regulations of said town.

Sec. 9. The limits of said town shall, for the purposes of taxation, police, &c., extend to and embrace the boundary of the original town plat, together with all additions that have been, or may be hereafter added thereto.

Sec. 10. The president and trustees, in the month of April in each year, shall appoint an assessor, who shall take an oath of office, after which he shall proceed to make a fair list, in alphabetical order, of all persons subject to taxation, together with such real property as is subject to taxation for State and county purposes, the number and fraction of lots, with a description thereof, the owner's name, if known, whether resident or non-resident, and after having completed such list, he shall call to his assistance ten free holders and residents of said town, who, having first taken a like oath to that of himself, shall, with him proceed to value the same, and such assessor shall, on or before the first Monday of May next ensuing, make a return of such assessment to the clerk of said corporation.

Sec. 11. The president and trustees shall, on or before the first Monday of June, in each year, levy a tax on the property so assessed and returned by the assessor, and appoint a collector to collect the same, who shall take an oath of office, and give bond and security, to be approved of by the president and trustees, conditioned that he will faithfully discharge his duty, and pay over to the treasurer of said corporation, all money that may come into his hands

as such collector, and shall hold his office for one year unless sooner removed.

Sec. 12. The president and trustees shall cause the clerk to make out a fair copy of such assessment list, setting forth the amount of tax charged on each poll, and on the real property, and shall deliver the same to the collector on or before the 15th day of June, annually, and certify the amount of tax contained in such duplicate to the treasurer. Such duplicate, so put into the hands of the collector, certified by the president, and certified by the clerk, shall be sufficient authority for the collector to collect the taxes charged thereon.

Sec. 13. It shall be the duty of the collector to receive the amount of taxes due from each individual, on or before the first Monday in July in each year, and in all cases when the taxes assessed are not paid by that time, by any individual, it shall be the duty of the collector to proceed to collect the same by distress and sale of any of the personal property belonging to such delinquent, subject to execution by the laws of this State, by giving ten days' notice of the time and place of sale, by advertisements, set up in three of the most public places in the town, or in a newspaper, if there be one published therein.

Sec. 14. In all cases when the taxes are due and owing, and cannot be made of the goods and chattels of such delinquents, it shall be the duty of such collector to make sale of the lots or fractions of lots, belonging to such person, or so much thereof as will pay the tax and costs due, by giving three weeks' notice of such sale, by posting up advertisements in three of the most public places in said town, one of which shall be on the court house door, or by publication in a newspaper, if one be published therein, describing said lot by number, together with the owner's name, if known, or person's name if he is supposed to be the owner. The collector shall, on the day of sale, by proclamation, proceed to sell the lot or lots, or fractions thereof, to the highest bidder: *Provided*, The owner of said lot or lots, or fractions of lots, so sold, shall have the privilege of redeeming the same at any time within two years from and after the day of such sale, by paying the amount due on said debt, with ten per centum damages thereon: *Provided, further*, that if the owner, or owners of any such land shall be at the time of such sale infants, or married women, such owner, or owners, shall have the right to redeem the same at any time within two years after the removal of such disability.

Sec. 15. It shall be the duty of the collector to make return of his proceedings within three days after the sale of any personal or real property aforesaid.

Sec. 16. All bonds given by the corporation, and all contracts entered into with the same shall be in the name of the President and Trustees of the town of Plymouth, and all suits commenced

for the benefit of the corporation, or when the same shall be defendant, shall be in the name aforesaid without setting out the members thereof.

Sec. 17. For the better government of the town, the president and trustees are hereby authorized and empowered to pass and adopt laws and ordinances for the suppression of immorality, intoxication, rioting, or whatever else may be subversive of the peace and good order of said town, and for the purpose of carrying into effect the provisions of this act, the marshal shall, within the bounds of said corporation, be a peace officer, and in the service of all process within the bounds of the corporation, in which the same may be a party, he shall have the same authority, and be subject to the same responsibility as a constable.

Sec. 18. All laws and ordinances passed by the president and trustees, of a public nature, shall be published by setting up written copies in three of the most public places in said corporation, or by publication in a newspaper, if one be published therein, ten days before they shall be in force; and it shall be the duty of the said president and trustees to fill all vacancies which may occur in the board; they shall cause a full statement of the expenditures and receipts of the past year, annually, on the second Monday of March, to be posted up in three of the most public places in town, or published in a newspaper, if one be published therein.

Sec. 19. Any person subject to pay a poll or other tax for corporation purposes being called upon by the assessor of the town, fails to give a true account of his property subject to taxation as aforesaid, shall forfeit and pay ten dollars.

Sec. 20. All forfeitures herein provided for, and all penalties which may be imposed by the corporation created by this act, shall be recovered in an action of debt in the name of the president and trustees of said town; and it shall be the duty of the marshal of said town to arrest any and every person he may find violating any of the acts of the legislature conferring power on said president and trustees, or any ordinance by them made in pursuance of the acts of incorporation, and shall immediately upon such arrest take said person so offending before some justice of the peace to be tried for such offence, and detain him until the fine and costs are paid or replevied, if any such be assessed.

Sec. 21. The bounds of said incorporation shall constitute one road district, which road district shall be under the control of the president and trustees of said incorporation, who may appoint a street commissioner, which street commissioner shall have all the authority of a supervisor over the hands within the bounds of said district, and said hands shall be subject to the orders of the street commissioner in the amount of labor necessary to be done, and said commissioner to the order of the president and trustees, as to the

application of money and labor on the streets and alleys in said town.

Sec. 22. All moneys arising from fines, licenses, and other sources accruing under the regulations of said corporation shall be paid into the treasury thereof, and shall be expended under the direction of the president and trustees, to the repairs of the streets, and such other purposes as they may deem most expedient.

Sec. 23. The president and trustees shall have power to require, by ordinance, the owners of lots in said town to construct sidewalks in front of the same, of such materials and in such manner as they may direct, and in case of the neglect or refusal of such owner or owners of lots to comply with said ordinance, of [the] said president and trustees may, after five days' notice, let the construction of the same to the lowest bidder, and the cost of such sidewalk so made shall be a lien upon such lot or lots, and be collected by distress and sale in the same manner as delinquent taxes are.

Sec. 24. It shall be the duty of the keeper of the jail of Marshall county to receive into his custody any prisoner or prisoners who may from time to time be committed to his charge under the authority of the proper officers to enforce this act and the ordinances passed under it, and to safely keep every such prisoner according to the warrant or precept of commitment until he, she, or they shall be discharged by due course of law.

Sec. 25. This act shall be a public act, and shall be judicially noticed and liberally construed by all the courts of this State, and shall take effect and be in force from and after its passage; and it is hereby made the duty of the secretary of state to make out immediately and forward to the auditor of Marshall county a certified copy of this act.

CHAPTER CLXXXIII.

An act to amend an act entitled "an act to incorporate the city of Richmond, Wayne county, Indiana, approved February 24, 1840.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the above entitled act be and the same is hereby so amended that hereafter it shall be unlawful for any person or persons to sell within the limits of said city, in any quantity whatever, any spirituous liquors, or any other drinks, mixtures, or preparations that will intoxicate, except for the necessary uses in the arts and sciences; and the common council of said city are hereby authorized to pass ordinances and by-laws to carry out the provisions of this act, and may authorize the recovery of any penalty, not exceeding fifty dollars for each and every offence committed contrary to the provisions of this act.

SEC. 2. The mayor of said city shall have exclusive jurisdiction of all offences committed under this act and the by-laws passed in pursuance thereof, and shall proceed in the manner authorized by the said act of incorporation for the recovery of said penalties. When the fine assessed by said mayor does not exceed five dollars, no appeal shall be taken from his judgment.

SEC. 3. The more effectually to enable said mayor to enforce the ordinances made in pursuance of this act, he is hereby authorized to issue subpœnas compelling, by attachment or otherwise, witnesses to appear and testify of, and concerning any violations of said ordinances as well before as after any suit is commenced, and shall have the same power to enquire and examine into such offences by witnesses that grand juries possess; and any oath taken in such preliminary examination shall, to all intents and purposes, be considered a judicial oath.

SEC. 4. This act shall be in force from and after its publication in the Richmond Palladium and Jeffersonian, and shall be a public act, and all laws conflicting with the provisions of this act be, and they are hereby repealed.

CHAPTER CLXXXIV.

An act to re-locate the seat of justice of Fountain county.

[APPROVED FEBRUARY 14, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the qualified voters of the county of Fountain are hereby authorized to assemble in their several townships at their usual places of holding elections on the first Monday of April next, and decide by ballot whether or not they are in favor of the re-location of the seat of justice of said county.

SEC. 2. At said election those voters who are in favor of re-location shall write upon their tickets "Chambersburgh," and those opposed to it shall write upon theirs "Covington," the election to be governed in all respects by the laws now in force regulating general elections; and when the polls shall have been duly returned and canvassed on the first Wednesday succeeding said election, should it appear that a majority of all the votes cast are in favor of Chambersburgh, then the county commissioners of said county are hereby appointed commissioners to re-locate the seat of justice thereof, and said commissioners shall meet in Chambersburgh, in Van Buren township, on the first Monday of May next, or at such other times as they may think necessary, and after being faithfully sworn to discharge the duties devolved upon them by this act, shall proceed to locate the seat of justice for Fountain county, in the town of Chambersburgh, or within one mile thereof, taking into consideration in selecting a site for the necessary public buildings, donations as well as situation.

SEC. 3. The said commissioners shall be and they are hereby authorized to receive all donations of lands for the site of said seat of justice, and all donations which may be made to defray the expenses of erecting the necessary public buildings for the use of said county, and to take all necessary bonds and deeds to secure the faithful performance of such contracts.

SEC. 4. The said commissioners shall, after they have selected the site for said seat of justice, certify the same to the recorder of the county, who shall make a proper record thereof, and also to deposit with the recorder all deeds, bonds, or other instruments in writing which they may have received for the use of said county.

SEC. 5. The said board shall, at their first meeting next after the seat of justice shall have been located and fixed in manner aforesaid, appoint a suitable person, resident and freeholder of said county, as commissioner to superintend the erection of said public build-

ings for the use of the county as the county commissioners may designate and direct, which said commissioner, when appointed, shall give bond and security in the sum of ten thousand dollars to the treasurer of said county, conditioned for the faithful discharge of his duty, which bond shall be made payable to said county treasurer for the use of said county, and said treasurer is hereby made the judge of such security, and the said commissioner shall have power to receive donations which may be made for the use of said county, and the same to sue for and collect in his own name for the use of said county for the purposes aforesaid, and the said commissioner shall receive such compensation as the board doing county business may allow to be paid out of the treasury of said county.

Sec. 6. Any person or persons being the owner of any lot or lots in the town of Covington, in said county, previous to the passage of this act, and who shall feel him, her, or themselves aggrieved by the re-location of said county seat, may, at any time within two years after the passage of this act, make application to the board doing county business for said county, to have said lot or lots valued with the improvements thereon, by three disinterested persons in the following manner, to-wit: The value of the lot or lots with the improvements thereon previous to the removal of the seat of justice, and the value of the lot or lots with the improvements after such removal, and the difference shall be certified by said appraisers, whose duty it shall be to make return of such appraisement to the board doing county business for said county; and it shall be the duty of said board to issue county orders to the owner or owners of such lot or lots for the amount of the difference aforesaid, and it shall be the further duty of said board of county commissioners at their first session after they shall have re-located the said seat of justice, to provide for a revenue by an increased rate of taxation sufficient to redeem, within two years thereafter, all county orders that may be issued for damages in accordance with the provisions of this section, and also sufficient to defray the expenses of the commissioner, to be appointed in accordance with the provisions of section fifth hereof, and all expenses accruing from the re-location of said seat of justice, including the purchase of suitable grounds, the construction of the necessary public buildings, and removal thereto: *Provided*, That nothing herein shall be so construed as to prevent an appeal being taken by an aggrieved party.

Sec. 7. So soon as public buildings, equal in value and convenience to those now in use in Covington, shall be completed at the place designated, the same shall be the permanent seat of justice for Fountain county, and all the courts of said county, thereafter, shall be holden at such new site; and until the completion of the buildings, all courts shall be holden in the town of Covington, in said county.

Sec. 8. A certified copy of this act, immediately after its passage and approval, shall be forwarded by the secretary of state to the clerk of Fountain county, and it shall be the duty of said clerk, upon its reception, to cause it to be published in the "People's Friend," a weekly newspaper published in Covington, in said county, and also to give thirty days' notice in said newspaper of the manner, time and place of holding the election herein provided for, and cause the usual notices thereof to be posted in the several townships of said county.

Sec. 9. This act to take effect and be in force from and after its passage.

CHAPTER CLXXXV.

An Act to incorporate the Cicero and Kirklin Plank Road Company.

[APPROVED JANUARY 31, 1851.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Elias Van Buskirk, William Neal, Isaac Dunn, Adison Boxly, Thomas Spencer and John Harbough, be and they are hereby appointed commissioners to open books at suitable places, in the State of Indiana, for subscriptions to the capital stock of a company for the construction of a plank road from Cicerotown to Kirklin, in Clinton county, to be called the "Cicero and Kirklin Plank Road Company," at any time within two years from the passage of this act: *Provided*, Said commissioners, or any three of them, shall give twenty days' notice of the time and place of opening said books, by publishing in one or more newspapers published nearest the contemplated road.

Sec. 2. Said commissioners shall, determine at what point or points books shall be opened, and the length of time they shall be continued open at each point, for subscription of stock to said company.

Sec. 3. The stock of said company may consist of money, labor, materials, or such other property, either real or personal, as may be agreed upon by the commissioners, or the board of directors after being elected, and whenever the sum of ten thousand dollars shall have been subscribed as stock in said company, and the sum of five thousand dollars thereof, either in cash or approved promissory notes, given without relief from valuation laws, shall have been

received by said commissioners, it shall be their duty to order an election for directors of said company, to be held in the town of Boxleytown, at such time as they shall designate, giving at least twenty days' notice thereof, in a newspaper printed nearest said line.

SEC. 4. All subscriptions to the stock of said company other than cash, shall be received only at such valuation as shall be affixed thereto by three disinterested persons, to be appointed by the directors of said company.

SEC. 5. Said commissioners, or a majority of them, shall attend said election, and conduct the same by opening a poll between the hours of ten o'clock A. M. and four o'clock P. M. of said day, and after the voting shall have been closed, they shall immediately open and count the ballots and shall disclose the number of votes cast, the number received by each individual voted for, and declare those to have been duly elected directors, who shall have received the highest number of votes.

SEC. 6. The directors in said company shall be nine in number, five of whom shall constitute a quorum for the transaction of business; all vacancies occurring in said board shall be filled by a majority of said directors, and the person appointed by said board, shall serve until a new board shall be chosen and qualified: *Provided, however*, That no person shall be eligible to the office of director, who is not a stockholder in said company, and every director thus chosen, shall serve as such until his successor is elected and qualified.

SEC. 7. At all elections for directors, each stockholder shall be entitled to vote as follows, to-wit: for each share one vote, which may be either by person or proxy, appointed in writing and signed by the stockholder.

SEC. 8. The board of directors first chosen, according to the provisions of this act, shall meet at such time and place, as a majority of the commissioners aforesaid may designate, whose duties it shall be to give said directors notice thereof within ten days after such election, at which meeting it shall be the duty of said directors to appoint one of their number president of said board, and they shall also appoint a secretary and treasurer of said company, whose duties, terms of service and compensation shall from time to time be regulated by said board.

SEC. 9. The said board of directors shall at their first, or some subsequent meeting, fix the time for the next annual election of directors, not more than one year from the time of said meeting, and all subsequent elections for directors shall be held annually thereafter, and conducted in such manner as the board may prescribe.

SEC. 10. One month's notice for the election of directors shall be given by the publication thereof, in a newspaper near the line of said road.

SEC. 11. Each board of directors shall continue in office for the term of one year, and until a new board shall be chosen and qualified.

SEC. 12. The aforesaid commissioners, as soon as the first board of directiors of said company shall have been organized, or within ten days thereafter, shall deliver over to said board the subscription books of stock, and shall pay over to the order of said board, all moneys or property received by them on such subscription, and in case any one or more of said commissioners shall fail, neglect or refuse to do so, or shall have destroyed or concealed any of said books, with intent to defraud said company, or any stockholder or stockholders thereof, such commissioner or commissioners so offending, shall, upon conviction thereof, by presentment or indictment, be fined in any sum not exceeding ten thousand dollars, and imprisoned at hard labor in the State prison, for a term of time not exceeding five years.

SEC. 13. The board of directors of said company shall have power to supply vacancies in the office of president, secretary and treasurer of said company, and meet from time to time as often as may be thought expedient, to adjourn from time to time as they may think necessary, to adopt and establish such rules and regulations, and make by-laws not inconsistent with the laws of this State, as in their judgment the business of the company may require, and are necessary for the better organization of the company, and to enable them to do and perform their duties, and carry out the designs of the powers granted by this act, and alter and amend at pleasure any by-law of said company, as the said board may deem necessary, to appoint all subordinate officers, engineers, agents and workmen that may be necessary to carry out the objects of said company, to demand at such time and in such proportion as they shall see fit, the sums of money or subscriptions in labor or material, due by stockholders on their respective subscriptions of stock under pain of forfeiture to the company of the shares of their stock, and all previous payments thereon, subject however, to the restrictions hereinafter mentioned, or to sue therefor and recover the amount due in action of debt or assumpsit, in any court of competent jurisdiction; to issue proper certificates of stock, and do all other legal acts necessary for the construction of said road.

SEC. 14. The said directors, when elected, and their successors in office, are hereby constituted a body corporate and politic, by the name and style of the "President and Directors of the Cicero and Kirklin Plank Road Company," and by such name may sue and be sued, plead and be impleaded, answer and be answered unto, either in law or equity, in any court of competent jurisdiction in this

State, and may make or adopt a common seal and alter the same at pleasure.

Sec. 15. The capital stock of said company shall be fifty thousand dollars, which may be increased by said company, to an amount not exceeding seventy-five thousand dollars, which stock shall be deemed personal property.

Sec. 16. Said stock shall be divided into shares of twenty-five dollars each, and may be taken by any individual, corporation or company, to be paid for and at such times as the said board of directors may direct: *Provided, however*, That the said board of directors shall not be authorzed to collect on such stock, more than one dollar per month on each share: *And provided further*, That the stockholders shall pay the sum of one dollar per share at the time of subscribing.

Sec. 17. This corporation is hereby empowered to take possession of, occupy, and use, for the purpose of constructing a plank, road thereon, the State road leading from Cicero to Kirklin, so far as the same may be desired to run thereon.

Sec. 18. The track of said road shall be constructed of plank, not less than eight feet wide, with three feet grade on each side of said plank, fully as high as the track.

Sec. 19. Whenever five continuous miles of said road shall be made, and completed as above required, the said company may erect a toll gate on said five miles so completed, and demand and receive tolls for passing the same, at rates hereinafter mentioned, and whenever said company shall make and complete any additional five miles of said road, as herein required, then said company shall have power to erect another toll-gate and receive toll for passing the same at the following rates.

Sec. 20. The following shall be the rates of toll for each and every five miles of said road, and in the same proportion for a greater or less distance, to-wit: for each and every four wheeled carriage, wagon or other vehicle, drawn by one horse or other animal, not exceeeding six cents; for every horse or other animal in addition, two cents; for every cart, chaise or other two wheeled vehicle of any description, drawn by one horse or other animal, not exceeding four cents; for every horse or other animal in addition, two cents; for every sleigh or sled, drawn by one horse or other animal, four cents; for every horse or other animal in addition, two cents; for every coach, chariot or other pleasure carriage or vehicle, when used or designed chiefly for the use or conveyance of persons, drawn by one horse, six cents; for each additional horse or other animal, two cents; for every horse, mule or ass and rider, three cents; for each horse, mule or ass one year old and upwards, one cent; for each head of cattle, not exceeding one cent; for each head of sheep or swine, not exceeding one fourth of one cent.

Sec. 21. The board of directors of said company, or any agent

by them lawfully authorized, shall have power to negotiate any loan or loans, not exceeding in amount one half of the stock annually subscribed to said company, that may be by said company deemed expedient, for carrying out any or all the objects contemplated by this act, and for the payment of such loans agreeably to the terms agreed upon, said company shall bind themselves by their bonds, which, when signed by the president and attested by the secretary, and duly ordered to be issued, shall be a valid lien upon all the stock and effects of said company in the order of their issue, and all the effects of said company, both real and personal, shall be deemed and taken as pledged for the punctual payment of the interest on said bonds, and the ultimate redemption of the principal.

Sec. 22. No toll shall be exacted or taken of any person or persons, while actually going to or returning from any muster, religious meeting on the Sabbath, or from any legal voter going to or from any state, county or township election, by any toll gatherer within the township in which said voter may reside, or from any person or persons forming a funeral procession or returning from a burial.

Sec. 23. The toll-gatherers at each and every gate, when erected on said road, in pursuance of this act, may detain and prevent from passing, any carriage or animal subject to toll, until such toll is paid.

Sec. 24. Any person who shall willfully break or injure any gate on said road, which may be erected in pursuance of the provisions of this act, or shall injure said road or bridges belonging to said road in any way, or forcibly or fraudulently pass any such gate, without having paid the legal toll, or to avoid the legal payment thereof, shall with his team, carriage or animal, turn out of said road or pass any gate thereon, or ground adjacent thereto, and again enter thereon, shall for each offence, forfeit a sum not exceeding ten dollars, to be sued for and collected by said company, for their own use.

Sec. 25. Said corporation hereby created, shall exist and be continued for and during the term of fifty years.

Sec. 26. The legislature may at any time, when said company shall have violated any of the provisions of this act, have power to repeal said act, and the same may at any time be altered or amended by the legislature.

Sec. 27. The president and directors shall be individually liable for all debts contracted by said company, beyond the amount of solvent stock secured to said company.

Sec. 28. This act shall be in force from and after its passage.

CHAPTER CLXXXVI.

An act granting further powers to the township of Lawrenceburgh, in the county of Dearborn, in the State of Indiana.

[APPROVED FEBRUARY 11, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That whereas [whenever] the trustees of said township shall wish to improve and McAdamize any road within the same under the authority heretofore given, it shall and may be lawful for said trustees to cause any such road to be changed to better or more suitable ground, in their judgment, for their intended improvement, and when the same shall not be of sufficient width, to widen the same.

SEC. 2. That in all cases where any person through whose land the road, or roads run, which the said trustees wish to change or widen, shall refuse to relinquish the right of way necessary for such change or widening, or where a contract between the parties cannot be made, it shall be lawful for the said township trustees to give notice to some justice of the peace in said township, that such facts do exist, and such justice of the peace shall thereupon summon such owner to appear before him on a particular day, within ten days thereafter, and shall appoint twelve disinterested men of the county, who shall, after taking an oath faithfully and impartially to assess the damages, if any, view the land and materials, and after having taken into consideration the advantages as well as the disadvantages the road may be to the owner, and shall report thereon, whether such person is entitled to damages or not, and if so how much, and shall file such return with such justice, whereupon said justice shall enter judgment thereon, unless for good cause then shown; in case either party should show sufficient cause why judgment should not be entered, the justice may grant a review of the premises, either with or without costs: *Provided*, that either party may, as soon as such judgment is entered, appeal to the circuit court, of the proper county, as in other cases, and such court shall appoint reviewers, as above directed, who may report at that or succeeding terms, in the discretion of the court, and the judgment of the circuit court shall be final.

SEC. 3. And in all cases when the owner, or owners of such land, or materials, shall be minors, insane persons, or reside out of the county where such lands may be, such justice shall cause three notices of the application, and of the day fixed for the appointment of viewers to be posted up in three public places in the county, and if no person shall attend on the day named in such notice, said justice, if said owners are not minors or insane, shall proceed *ex parte*,

but shall appoint some discreet person of the county, guardian of such owner, or owners, of such as may be minors, or insane persons, and shall adjourn said hearing in that case until that day two weeks, at which time he shall proceed to render judgment on the report of said viewers, the same as if said owner, or owners had been present; and on judgment being rendered in any case for damages, and the said township trustees complying therewith by the payment of costs, and damages awarded against them, the said Lawrenceburgh township shall be seized of the land or materials: costs shall be allowed or awarded against either party, at the discretion of the justice or court.

SEC. 4. No appeal by the owner, or owners, of the land shall prevent the township from proceeding to take possesion of and work upon such road, and use the materials necessary therefor, on their depositing with such justice, the amount of damages awarded against them, if any; and if on appeal the damages shall be increased, the township shall be liable to pay the excess, and costs, and judgment shall be rendered therefor.

SEC. 3. This act shall be in force from [and after] its passage, and be deemed a public act.

CHAPTER CLXXXVII.

An act to enable the qualified voters of school districts Nos. 5 and 8, in township 37, range 3 west, in Laporte county, to build a union school house, and for other purposes.

[APPROVED FEBRUARY 8, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the legally qualified voters of school districts Nos. five and eight, in township number thirty-seven north, of range three west, in the county of Laporte, be, and they are hereby authorized to consolidate said districts into one new district, and said new district shall be a body politic and corporate, by the name and style of the Laporte Union School [District,] and by said name and style shall have power to make contracts, to purchase and to hold property, to sue and be sued, and to do all acts and things necessary to be done, and to carry into effect the objects of this act.

SEC. 2. Said original districts, and each of them, are hereby

authorized, through the trustees thereof, respectively to sell and convey any or all of the property, real or personal, now owned by said districts, or either of them, and to appropriate the proceeds of said sales to the use of said consolidated district, the people of said consolidated district shall constitute a school district under the common school laws of this State, and shall possess and enjoy all the benefits, privileges, and powers of a school district under said laws, and shall be governed by, and subject to the same, except so far as further powers and privileges are conferred by this act.

Sec. 3. The trustees of congressional township No. 37, in Laporte county, shall have power at any time to consolidate school districts Nos. five and eight in said township into one school district for the purposes expressed in the first section of this act, and whenever the said school districts shall be so consolidated, the business of said consolidated district shall be conducted by three school district trustees, who shall be elected by the voters of the consolidated district at such time and place as the trustees of said congressional township may designate, and said trustees shall hold their office until the first Saturday of September next succeeding their election, or until their successors in office shall be elected and qualified, after which the trustees of said district shall be elected annually on the first Saturday of September and shall serve until their successors in office shall be elected and qualified; and the said trustees shall be governed in all matters and things connected with said Union School District by the common school laws of this State, except so far as is provided in this act.

Sec. 4. It shall be lawful for the qualified voters of said union school district to determine, by a majority of all the votes given at any regular or special meeting of the same, whether a tax shall be levied on the property, personal and real, lying and being in said district, and also whether a poll tax of twenty-five cents shall be levied upon all persons who are now, or may hereafter be subject by law to pay a poll tax for common school purposes, said tax to be levied for the purpose of paying the interest and principal upon any loans of money, or other liabilities that may be incurred, and chargeable to the said district, in accordance with the provisions of this act; *Provided*, that the aggregate amount of all taxes authorized under the provisions of this act shall not exceed ten thousand dollars, and, *provided, further*, that whatever amount of taxes shall be agreed upon under the provisions of this section, shall constitute a valid charge and lien upon the property of said union school district, except upon personal property that may be removed from the district, prior to the annual assessment of property for common school purposes in the district.

Sec. 5. The qualified voters of said union school district shall also have power to determine by a vote of a majority of all the votes given at any regular or special meeting of the same, what

amount of tax shall be levied in any one year, on each one hundred dollars valuation of property, for the purpose of carrying into effect the objects and designs of this act; *Provided*, that no tax on the property in the district shall be levied and collected in any one year under this act, exceeding twenty-five cents on the one hundred dollars valuation of property.

Sec. 6. The district trustees, or either one of them, shall preside at all meetings of the voters of the district, (or in the absence of all, or either of them, the voters present may select suitable persons from among their own number to serve in place of the absentee, or absentees, for the time being) and they shall make return of the proceedings of all such meetings to the county auditor of Laporte county, in accordance with the provisions of the 15th and 16th sections of an act to increase and extend the benefits of common schools, approved January 17th, 1849, and the county auditor shall likewise be governed by the provisions of those sections.

Sec. 7. Whenever any meeting of the voters of the district is to be held, at which, it is contemplated to vote a tax or elect trustees for said district, it shall be the duty of the trustees to give notice of the same by publication for two weeks in succession, in some newspaper published in the village of Laporte, setting forth the time, objects and place where said meeting is to be held.

Sec. 8. *And be it furiher enacted*, That the trustees of said Laporte Union School District, are hereby authorized and empowered to contract with any person or persons or body politic, for a loan of money equal to the whole amount, or any part of the amount that may be agreed upon, as a tax upon the district, in accordance with the provisions of section 4 of this act, at a rate of interest not exceeding ten per cent. payable at such time, and in such manner as the trustees of the district may deem best, for the interest of the district, and the said trustees shall have full power and authority, to pledge the faith and credit of said Laporte Union School District, for the full payment of the interest and principal of any such loan or loans or any part thereof, and the moneys accruing to the said district from the taxes authorized under this act, shall when paid over to the district trustees, be annually applied to the liquidation of the interest and principal of said loan or loans, until the whole amount of the same shall be fully paid.

Sec. 9. The trustees of said district are hereby declared a body corporate, and shall have full power to transact all business proper and necessary to perfect the objects contemplated in this act, and for their services may each receive the same per diem allowance, that is now paid to district trustees under the common school law of this State.

Sec. 10. The said school district trustees shall each before entering upon the discharge of their several offices, file a bond with the county auditor of Laporte county, payable to the State of Indiana, in such sum as may be deemed proper by the auditor of

said Laporte county, with good and sufficient sureties for the faithful performance of the duties of their said offices, and the application of all moneys that may come into their hands under the provisions of this act, for the purposes expressed in the first section of this act.

Sec. 11. This act shall be deemed a public act, and be in force from and after its passage, and publication in the Laporte County Whig.

CHAPTER CLXXXVIII.

An Act to incorporate the Covington, Newtown and Lafayette Plank Road Company.

[APPROVED FEBRUARY 13, 1851.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That James McMannoring, William Wood, Albert Henderson, James Stafford and John G. Acton, of the county of Fountain, Jesse Mehony, Biddell Sleeper, Thomas G. Bainbridge, John Purdu and Isaac Shelby, of the county of Tippecanoe, and their successors in office, duly elected as hereinafter directed, are hereby constituted and appointed a body politic and corporate, and by the name and style of the President and Directors of the Covington, Newtown and Lafayette Plank Road Company, shall be able and capable in law and equity, to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto, in any of the courts of justice whatsoever, and to make and use a common seal, and the same to alter at pleasure, and shall be able and capable in law to make contracts and enforce the same, and to make and enforce the necessary by-laws, rules and regulations, to enable them to carry into effect the provisions of this act and the objects contemplated by the same, not inconsistent with the laws and constitution of this State.

Sec. 2. The capital stock of said corporation shall be fifty thousand dollars, to be divided into shares of twenty-five dollars each.

Sec. 3. The directors named in this act, or a majority of them, may meet at such time and place as they may agree upon, and organize said corporation by electing one of their body to be president, and after such organization, any five of the board shall be a quorum.

Sec. 4. The corporation shall have power to appoint agents, clerks, treasurers, and all other officers and persons necessary to

carry into effect the objects of this act; they shall keep a journal of all their proceedings, in which shall be entered all the by-laws, rules and regulations, and all orders for the payment of such allowances as may be made to their officers and all others in their employ which journal shall be read from time to time by the board, and if found correct, shall be signed by the president; (they may sit on their own adjournment, or on the call of the president.) When the president is absent they may appoint a president *pro tempore*—they shall fill all vacancies that may happen in their body.

Sec. 5. The corporation shall cause books to be opened for subscription to the capital stock at such time and place or places as they may choose, and due notice thereof shall be given; in each of which books the following entry shall be made:—We, the undersigned, promise to pay the sum of twenty-five dollars for each share of stock set opposite our names, in such manner and proportion, and at such times, as the president and directors of said corporation may direct.

Sec. 6. It shall be lawful for all persons of lawful age, the county boards of the counties of Fountain and Tippecanoe, and the town council of the towns of Covington and Lafayette, in the counties aforesaid, to subscribe for any amount of the capital stock; and the books shall be kept open for such space of time and at such place or places as the corporation shall choose, and may be re-opened at any time: they may by agent offer for sale in any other counties or States, any amount of stock upon such terms and conditions as may be thought advisable, and they shall have power on their credit to borrow money on such terms as may be agreed on by the parties; the corporation may require such sum of money to be paid at the time of subscribing, not exceeding five dollars on each share, as they may think proper; but such requisitions shall be made known by being inserted in the notice for opening the books, and any further payment on the stock shall be under the control of the corporation.

Sec. 7. As soon as four hundred shares are subscribed, and the amount paid on each share as determined by the corporation as provided in the preceding section, it shall be the duty of the corporation to give five weeks' notice in one of the newspapers of each of the counties of Fountain and Tippecanoe, and in such notice appoint a time and place for the stockholders to meet and elect ten directors, who shall be stockholders and citizens of the counties of Fountain and Tippecanoe, which election shall be held within three months after the time of paying the first instalment, and shall be conducted by two judges appointed by the stockholders present, and the person having the plurality of the votes given and counted in the public meeting shall be declared duly elected; in all elections each share, the instalment on which shall have been duly paid when required, shall entitle the holder to one vote, and votes may be given by persons owning the same, or by any authorized agent.

Sec. 8. It shall be the duty of the directors elected as above, and

all those elected at all subsequent elections, to meet as soon thereafter as they conveniently can, and elect one of their own body to be president; the president and directors thus elected shall continue in office until their successors are elected and qualified.

SEC. 9. All elections after the first shall be held on the first Monday in October, annually, under the direction of (three) stockholders, who are not directors at the time, to be appointed by the stockholders present, of which elections due notice shall be given; *Provided*, That if from any cause whatever, there shall be no election on the day appointed by this act, or by the directors for [the] first election, it shall be lawful to hold the election on any other day.

SEC. 10. Certificates of stock shall be given to stockholders which shall be evidence of stock held; it shall be signed by the president and countersigned by the clerk; the stock shall be transferrable on the books of the corporation only, or by an agent or attorney, or by an executor, administrator, or guardian, but such stock shall at all times be holden by the corporation, or for any dues from the holder thereof to the corporation, or for any sum that hereafter becomes due on a contract made prior to such transfer.

SEC. 11. The corporation shall have power to call for such proportions of the stock subscribed, not exceeding twenty per centum of the amount of stock every six months, as they may think proper, to be paid at such time and place as they may designate, by giving sixty days' notice in one or more of the newspapers of the counties [of] Fountain and Tippecanoe; in such notice the amount on such share demanded, and the time and place of payment shall be set forth, and if any stockholder shall neglect or refuse to pay such requisition within ten days after the time named for such payment, the corporation may bring suit against such delinquent for the amount due in any court of competent jurisdiction, and recover the amount with two per centum interest per month thereon for such detention, and if the amount cannot be made on execution, or if such delinquent is out of the State, then the corporation may, by an order on their books, declare such stock forfeited to the corporation, with whatever amount may have been paid thereon, and no such delinquent, before the forfeiture of his stock, shall have the right to vote for directors, or receive any dividend, on his, her, or their stock, until the corporation shall be fully paid and satisfied.

SEC. 12. The corporation shall have full power to require of all the officers, and others in their employ, bonds, with security to their acceptance, with such penalties as they may think proper for the faithful performance of their respective duties.

SEC. 13. The corporation shall have full powers to survey, mark, and locate a Plank Road, commencing at Covington, in the county of Fountain, thence to Newtown, in said county, thence to connect with the Lafayette and Crawfordsville Plank Road at some

point within three miles of the city of Lafayette, in Tippecanoe county, with full powers to diverge from a straight line whenever more favorable ground can be had, or the interest of the company may require.

SEC. 14. It shall be lawful for the corporation either before or after the location of any section of the road, to obtain from any person or persons, through whose lands the same may pass, a relinquishment of so much of said land as may be necessary for the construction and location of said road, also such materials as may be obtained on said route, for the construction of said road.

SEC. 15. That in all cases where any person through whose land the road may run shall refuse to relinquish the same, or where a contract between the parties cannot be made, it shall be lawful for the corporation to give notice to some justice of the peace in the county where such difficulty may occur that such facts do exist, and such justice shall thereon summon the owner of such land to appear before him on a particular day, within ten days thereafter, and shall appoint twelve disinterested freeholders of the neighborhood, who shall, after taking an oath faithfully and impartially to assess the damages, if any, view the lands or other materials, and after taking into consideration the advantages, as well as the disadvantages the road may be to the same, and shall report thereon, whether such person is entitled to damages or not, and if so, how much, and shall file such report with such justice; whereupon said justice shall enter judgment thereon, unless for good cause shown; that in case either party shall show sufficient cause why judgment shall not be entered, the justice may grant a review of the premises, either with or without cost: *Provided*, That either party may at any stage of the proceedings appeal to the circuit court of the proper county, as in other cases, and such court shall appoint viewers as above directed, who may report at that or the succeeding term, in the discretion of the court, and the judgment of the said court shall be final.

SEC. 16. That if it shall be found expedient or advantageous to the location and construction of said road, the corporation shall have the right to lay the same along and upon any State or county road; *Provided, however*, That before such location shall be made, the corporation shall make application to the county commissioners of the proper county for such right, and said commissioners are hereby vested with power to grant the same by an order entered on their records.

SEC. 17. That when said corporation shall have procured said right of way as hereinbefore provided, they shall be seized in full right of said land, and shall have the sole use and occupancy of the same, and no person, body politic or corporate, shall in any way interfere with, molest, disturb, or injure any of the rights or privileges hereby granted, or that would be calculated to detract from or or affect the profits of said corporation.

SEC. 18. The corporation shall commence the construction of said road at any time within two years from the date of this act, and may from time to time construct such portions of said road as may be within their ability, and to the interest of the corporation; shall complete the whole of said [road] within four years from the time of the commencement of the same; *Provided*, That if the road should not be completed within the time aforesaid, the General Assembly may for good cause shown give further time to complete the same.

SEC. 19. It shall be lawful for said corporation to erect gates at suitable distances apart, and demand and receive from all persons traveling said road (footmen excepted) the tolls allowed and fixed by said corporation; *Provided*, That the corporation may at any time alter or amend, or change the rate of tolls; *Provided, however*, That the tolls shall never be raised higher than an average of tolls charged on roads of a similar character in this state; and it shall be the duty of the corporation, when the rate of tolls shall be determined, to post the same up in some conspicuous place, at each place of receiving tolls on said road.

SEC. 20. That if any person or persons using said road shall with intent to defraud said company or evade the payment of tolls pass through any gate or bar erected on said road according to the provisions of this act, or shall practice any fraudulent means with intent to lessen the payment of tolls, or shall travel on said road between such gates more than one mile in distance, and not report the same to the proper person authorized to receive such tolls and pay the same, shall for every such offence forfeit and pay to the corporation the sum of five dollars, to be recovered with cost of suit, in any action of debt, at the suit of the corporation before any justice of the peace of the county; *Provided*, That nothing in this act shall be so construed as to prevent persons residing on said road from passing thereon about their premises for common or ordinary business.

SEC. 21. The corporation shall make dividends of so much of the profits, and at such times as the corporation may deem proper, and pay the same to the several stockholders as soon thereafter as they conveniently can.

SEC. 22. That if any person or persons shall willfully and knowingly injure or obstruct said road, or any part thereof, or shall break, destroy, or injure any gate, bar, or toll house, or any other property belonging thereto, such person or persons so offending shall pay the corporation three times the amount of damages actually done, with costs of suit, to be recovered by the corporation before any court having competent jurisdiction; *Provided*, That all actions commenced by the corporation, or against the same for damages, shall be commenced within six months from the time such cause of action accrued and not after.

SEC. 23. It shall be the duty of the corporation to cause a full statement of the affairs of the company, to be made and exhibited

to the stockholders at every annual election, or at any general meeting of the same.

SEC. 24. Any number of stockholders holding one-third of the stock may call a general meeting of the stockholders by giving four weeks' notice in one or more of the newspapers of the counties of Fountain and Tippecanoe, and specifying in such notice the object of such call and a majority of the stock being represented, they may make such order in relation to the concerns of the company as a majority may determine.

SEC. 25. Should the capital stock herein granted be insufficient to accomplish the intended work, the company may in any case increase the same.

SEC. 26. That when the road is located, it shall be the duty of the corporation to cause a plat of the same to be deposited in the office of the auditor of each of the counties of Fountain and Tippecanoe, and from and after that time it shall not be lawful for said corporation to alter or change any part of said road without first obtaining the consent of the county board in which such change is proposed.

SEC. 27. That if, after the completion of said road, it shall be suffered to go into decay, or be impassable for six months, unless when the same is repairing, this charter shall be taken and considered as forfeited.

SEC. 28. The president and directors of the company shall be liable in their individual capacity for all debts contracted in the prosecution of said work above the amount of solvent stock secured to the company; the Legislature reserves the right to alter, amend, or repeal this charter whenever any of its privileges shall be violated.

SEC. 29. This act shall be in force from and after its passage, and shall be taken to be a public act.

CHAPTER CLXXXIX.

An act to incorporate the Central Canal Manufacturing, Hydraulic, and Water Works Company.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Francis A. Conwell, Henry Van Bergess, William Burnet, Luther G. Bingham, David F. Worcester, and their associates, successors, and assigns, be, and are hereby made a corporation, by the name of the Central Canal Manufacturing, Hydraulic, and Water Works Company, with power to use and lease water power on or adjacent to the property belonging to said company for Manufacturing purposes, and for the purposes of supplying the city of Indianapolis in the county of Marion and State of Indiana, with water for the use and convenience of said city and its inhabitants, and in that name may purchase, hold, and convey, any such property or estate, real or personal, as may be deemed necessary for the uses and purposes aforesaid; may sue and be sued, plead and be impleaded, contract and be contracted with, may make and use a common seal, and shall have such other powers as may be necessary to carry out the objects of this act.

SEC. 2. The capital stock of said corporation shall be one hundred thousand dollars, with power to increase the same to five hundred thousand dollars; said stock shall be divided into shares of one hundred dollars each, and transferrable in such manner as said corporation shall prescribe.

SEC. 3. As soon as one hundred shares of capital stock are subscribed for and paid, or secured to be paid to the satisfaction of the corporation, they may give notice in one or more newspapers in the State, appointing a time and place for the stockholders to meet and elect seven directors, who shall be stockholders of this company, and shall hold office until their successors are elected and qualified, which election shall be by ballot and conducted under the supervision of one inspector and two judges, appointed by the stockholders present, and in all elections each share shall entitle the holder to one vote: *Provided*, That any person having a right to vote may vote by proxy; and the directors thus elected may meet at such time as they may agree upon and organize such corporation by electing one of their body president, and after such organization any three of said board shall be a quorum to transact business.

SEC. 4. All elections after the first shall be held on the first Monday in May annually, under the direction of the stockholders

present; but should no election be made on the appointed day by this act, it shall be lawful to hold the election on any other day.

SEC. 5. The board of directors shall have full power and authority to adopt and have enforced all needful rules and regulations, not inconsistent with the laws of this State, to manage the business of the company, govern the proceedings of the board, regulate the payment of stock, enforce its payment, and to order sale of any stock unpaid on the holder thereof failing to comply with the requisitions of the board; such sale to be for the benefit of the holder who shall be liable to the company for any deficiency remaining due after such sale.

SEC. 6. The said company shall have full power and authority by order of the board of directors to borrow money for the purposes of their business, and make and execute a mortgage or mortgages upon the property by them held to secure the repayment thereof, which shall be signed by their president and attested by their secretary.

SEC. 7. The said company shall have power to make contracts with individuals and corporations to supply such individuals and corporations with water; also with the city council of the city of Indianapolis for the supply of public cisterns, fire-plugs, &c., on such terms and at such places, and enforce such contracts, and receive such compensation as may be agreed upon by the parties, for which said puposes said company shall have the right of constructing, re-laying, or repairing any of the works contemplated by this act to enter upon, use, or enjoy any lands, streets, roads, lanes, or alleys, and to take materials therefrom for the purposes aforesaid, doing no unnecessary damage and making no unnecessary obstruction; but said corporation shall pay to individual proprietors of such lands a fair and reasonable compensation for the damage actually sustained by them, which damage may be assessed by three disinterested persons to be mutually chosen by the parties; said assessors shall forthwith file their award in the office of the clerk of the circuit court of the county, and either party being dissatisfied therewith may appeal therefrom to said circuit court and have the damages assessed by said court or jury, the party so appealing executing bond with the security for costs within ten days after said award is made.

SEC. 8. Should the said company for the purpose of aiding in the construction of said water works deem it necessary, they may borrow bonds of the city of Indianapolis to an amount not exceeding thirty thousand dollars, to be issued in sums not less than five hundred dollars each, payable in money at such places and at such times, not exceeding thirty years, as said city of Indianapolis may determine: *Provided*, That such loan shall not be made until a majority of the voters of said city, voting at an election held therefor, shall have voted in favor of the same; and to secure the payment

of said loans, said company may mortgage their engines, reservoirs, machinery, pipes, and everything pertaining to the construction of said water-works, or such parts thereof as the city council may deem sufficient security therefor.

SEC. 9. Should said company, or any of the members thereof, or any other person or persons obtain an assignment from George G. Shoup, James Rariden, and John S. Newman, or any of them, of their purchase of the northern division of the Central canal, north of Morgan county, then and in that case the governor is hereby authorized and directed to make the conveyance of that part of said canal above named to such assignees or to any part of the original purchasers and the assignees of the other purchaser or purchasers, in as full and ample a manner as he could or should do to said purchasers or assignees, or part of such purchasers and assignees of the other purchaser or purchasers executing bond in the same penalty and with security to be approved by the governor in the same manner as said purchasers are now required to do: *It is further provided*, That the lessees from the State upon said canal shall have the right to sue said assignees in any court of competent jurisdiction for any damages they may sustain from the neglect or failure of said assigns to furnish them water or do any other thing the State has agreed to do.

SEC. 10. And the property so conveyed to said assignees shall be forever held and bound for the faithful performance of the conditions of said bond for the benefit of the lessees and all other persons interested; and the governor, whenever he may from time to time think the security insufficient, require additional security on said bond.

SEC. 11. This act to be in force from and after its passage.

CHAPTER CXC.

An act to incorporate the Bedford Central Plank Road Company.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Alexander H. Dunnihue, Michæl W. Houston, Horatio B. Richardson, William Duncan, Levi Houston, John Ragsdale, John Holland, of Leesville, Nathaniel Williams, Melchert Helmer, John Rains, and Ambrose Kene, of the county of Lawrence, in said State, and their successors in office duly elected in the manner hereinafter provided, are hereby constituted a body politic and corporate, by the name of the "Bedford Central Plank Road Company," and by such name may sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto in any court of law or equity having jurisdiction of any matter in controversy to which said company may be a party, and shall have power to make and use a common seal, and the same to change at pleasure, and shall be capable in law to make and enforce contracts, and have full power and authority to acquire, hold, possess, use, occupy, and enjoy property, both real and personal, and the same to sell, dispose of, and convey, so far as the same may be for the interest of said company, and make, and establish, and put in force such necessary by-laws, rules, and regulations as will enable said company to carry into effect the provisions of this act and the objects contemplated by the same, not inconsistent with the laws and constitution of this State and of the United States.

SEC. 2. The capital stock of said company shall be fixed by said company as the interest thereof may require, and be enlarged or diminished with a view to such interest: *Provided*, The same shall never be less than twenty-five thousand dollars, nor more than five hundred thousand dollars, and shall be divided into shares of twenty-five dollars each.

SEC. 3. The directors in this act named, or a majority of them, shall meet at such time and place [as they] may agree upon, and organize said company by electing one of their members president, and a majority thereafter shall constitute a quorum for business; and they shall have power to appoint all other officers and agents necessary to carry the spirit of this act into effect; they shall keep a journal of their proceedings in which they shall cause to be entered all their by-laws, rules, and regulations, and also all orders for the payments to their officers, agents, or persons in their employ, which proceedings thus entered shall from time to time be signed by their president; at each sitting they shall sit upon their own ad-

journments, or on the call of the president, (or a majority of the directors appoint a president *pro tempore*, in the absence of the president, and fill all vacancies that may occur in their own body.)

Sec. 4. The corporation shall cause books to be opened for subscription to the capital stock at such times and places as they may see fit, due notice of which shall be given; in each of which books an entry shall be made in words and figures following: "We, the undersigned, promise to pay the sum of twenty-five dollars for each share of stock set opposite our names, in labor, materials, land, or money, in such manner, and in such proportions, and at such times as the president and directors of Bedford Plank Road Company may direct; the value of all subscriptions, other than cash, to be settled by the directors and to be appraised at what the directors shall consider to be their actual cash value at the time of payment. Witness our hands, this —— day of ——, A. D. 185 ."

Sec. 5. It shall be lawful for all persons of lawful age, or any body corporate, except the State Bank of Indiana, to subscribe for any amount of capital stock in said company, which said books may be kept open such length of time and re-opened at such time and place as often as may be necessary to procure subscriptions to stock sufficient for the construction of the road contemplated by this charter; and for the purpose of raising money for the completion of the road or any part thereof, the company shall have power to borrow money and secure the same, either by a mortgage of the road or in such other manner as may be agreed upon between the company and the party of whom the loan may be obtained.

Sec. 6. As soon as one hundred shares or more are subscribed it shall be the duty of the directors named in this act to give three weeks' notice thereof in the newspapers in the vicinity of the contemplated road, and in said notice to appoint a time and place for the stockholders to meet and elect nine directors, at which election no person shall be eligible to the office of director unless he is a stockholder and citizen of this State, which election shall be held within sixty days after the one hundred shares or more shall have been subscribed as aforesaid, and shall be conducted by three judges, to be appointed by the stockholders present at the time appointed for meeting, and the persons having a plurality of the votes, which shall be publicly counted, shall be declared duly elected; each stockholder shall at such election be entitled to a vote for each share by him owned for the term of one month prior to the election: *Provided*, That at the first election each share shall entitle its owner to a vote without regard to the length of time it may have been owned; and votes shall be given by the person owning the same, or one of any partners, or by the husband, father mother, executor, administrator, trustee, guardian, or by the agent of any corporation, or by proxy.

Sec. 7. It shall be the duty of the directors elected as above, and

those elected annually thereafter, to meet as soon as they conveniently can and elect one of their own body president, and directors thus elected shall continue in office until the next annual election, and until their successors are elected and qualified by the election of their president.

Sec. 8. All elections after the first shall be held on the first Wednesday of December, annually, at such place and hour of the day as the directors may direct, three weeks' notice of which shall be given in such manner as may be prescribed by the board of directors; the judges of all elections shall be three in number and shall be stockholders, but no director at the time of the election, and after the first election be appointed by the directors; and it shall be the duty of said judges, upon the result of each election being known, to give to each director a certificate of his election, which certificate shall be evidence of their right to act as directors; a majority of said directors shall be a quorum to transact business: *Provided*, That if an election should not be held on the day appointed, it shall be lawful to hold the election on any other day, to be designated by the directors.

Sec. 9. Certificates of stock shall be given to the stockholders, which shall be evidence of stock held; they shall be signed by the president and countersigned by the clerk; stock shall be transferrable on the books of the company only personally or by an agent, or attorney, or by the administrators, executors, trustees, or guardians; but the corporation shall have a lien upon such stock for all sums due or to become due from such stockholders either for subscriptions to stock, or on contract made prior to such transfer.

Sec. 10. The directors shall have power to call for such part of stock subscribed as may seem to them necessary to carry on the work on said road, to be paid by the stockholders in such materials, land, labor, goods, chattels, or moneys as shall have been designated by the party subscribing for such stock, to be paid at such time and place as the directors may designate by giving sixty days' notice in one of the newspapers published near said road, or by giving written notices to the stockholders; in all such notices the amount demanded on each share, and the time and place of payment, shall be set forth; and it shall be the duty of the directors to permit each person subscribing for stock in materials or labor, to furnish the same on the road at such place as the same can be advantageously used most convenient to his premises; and if such stockholder shall fail or refuse to furnish such requisition within ten days after the time designated in such notice for furnishing the same, the corporation shall have power to collect the same by an action at law in any court of competent jurisdiction, the same to be collected without the benefit of the valuation or appraisement laws. The corporation shall have power, through their president

and in his name, but for their use, to purchase the stock of any stockholder when offered on execution on any judgment obtained against him in favor of the company.

SEC. 11. The directors shall require all officers and others in their employ to give bond with security to their acceptance, for the faithful performance of their duties.

SEC. 12. The said directors shall have power to proceed, from time to time, either in person or by their agents, to examine, mark, and locate the route of a road from Leesville by way of Bedford to Springville, with any branch or branches, extension or extensions, from any point or points on said road to any other point or points within or without the limits of said county of Lawrence, and may locate said road or any branch or branches, or extension or extensions of the same or any part or parts thereof, over, along, and upon any State or county road which may be desired by said company, and may at pleasure deviate from the line of all such county or State roads, and again at pleasure to resume the same, and whenever said company shall improve any such line of road as in this act contemplated, and notice thereof shall be given to the county board of the proper county; it shall be the duty of such county board forthwith to vacate such portion of such State or county road so far as the rights and duties of the public are concerned, and such portion or portions so occupied and improved by said company shall be and become the property of said company for the purpose of making and maintaining said road and branches, and the gates and toll-houses thereon.

SEC. 13. The directors of said company may take for said company releases and conveyances of the right of way, and all necessary lands of any and all persons over whose lands the road may have been or be about to be located, and any such release or conveyance may be made by any infant, *feme covert*, guardian, executor, administrator, or trustee, and shall be effectual in law by obtaining the consent of the proper probate court thereto, and when said company shall have procured such releases and conveyance as before provided, they shall be seized in fee simple of said land and shall have the sole use and occupation of the same.

SEC. 14. For the purpose of constructing said road it shall be lawful for said company by their agents and persons in their employ to enter upon any lands to make surveys and estimates, and take from the land occupied by said road any stone, gravel, timber, or other materials necessary for the construction of said road and the bridges thereon.

SEC. 15. If any person owning lands over and upon which such road shall have been or about to be located shall refuse to relinquish the same for the use of said road and no satisfactory contract can be made by the company with the owner therefor, it shall be lawful for the company to give notice thereof to some justice of the peace

of the proper county, and such justice shall thereupon summon the owner of such land, if a resident of said county, to appear before him on a day mentioned in such summons, within ten days thereafter, and if the parties cannot then agree said justice shall then issue a venire for summoning a jury of three disinterested men of the county, to be selected by the justice, and such jury, after having taken an oath or affirmation faithfully and impartially to assess the damages, if any, shall proceed and view the lands upon which such damages are claimed, and shall determine the same, duly considering the advantages of said road to said owner, and shall make report thereof to said justice, whereupon he shall enter judgment upon such report, from which said judgment either party may appeal to the circuit court.

SEC. 16. If such owner be a minor, or insane person, or shall reside out of the county where such land may be, such justice may cause three notices to be posted up in the township where such lands are situated of the time and place of summoning such jury to make such appraisement, and if no person appears for such minor, or insane person, or non-resident of the county such justice shall appoint some disinterested person to act on behalf of such absentees, and shall then proceed as in other cases, and in all cases costs shall be awarded in the discretion of the jury.

SEC. 17. In case such company shall require for the use of said road any stone, gravel, or other material from the lands of any person adjoining or near said road, and said company cannot contract therefor with the owner thereof, such company may proceed in like manner to have the value of such materials assessed in such manner as is above provided for assessing the value of lands, and in every such case of lands and materials the company may take possession of and use the same immediately after having paid such justice for the use of such owner of land or materials the sum, if any, which may have been assessed therefor, notwithstanding an appeal may have been taken: *Provided*, That such jury in assessing such damages shall not take into consideration the advantages of the road to the owner of such materials.

SEC. 18. The said road shall be opened by the company any width not exceeding one hundred feet, and at least twenty-five feet thereof shall be made a good artificial road except at such places as may be already upon a good natural road, and said road may be covered with gravel, sand, plank, stone, coal, clay, or such other materials as can be best secured and put on in as compact a manner as is usual for such materials.

SEC. 19. When said road or any particular section thereof shall be located, it shall be the duty of the directors to cause a plat thereof to be deposited in the auditor's office of the county or counties in which such location is made; and from and after that time it shall not be lawful for said company to alter or change any

part thereof unless the company pay the owner of any lands damaged by such change the amount of his damage.

Sec. 20. If said road, or any section thereof, shall be suffered, after it has been once completed, to go to decay and become impassable for one year, unless the same is repairing, the charter shall be considered forfeited, as to so much of said road as may be so impassable.

Sec. 21. The company shall commence to construct said road within five years and shall complete the same, or so much thereof as shall be for the convenience of the public and the means of the company will allow, and when five continuous miles of the same shall be completed agreeably with the provisions of this act, the board of commissioners of the proper county shall appoint a disinterested person to examine the same and to report his opinion in writing to the directors of said company, and if said report shall state the road or any continuous five miles thereof to be completed agreeably to the provisions of this act, the company may erect toll gates at suitable distances apart, not less than two miles, and at such gates demand of all persons traveling said road such tolls and at such rates as said company may agree upon for the privilege of traveling the same, or of driving all kinds of live stock, wagons, and teams, pleasure carriages, sleighs, and all other vehicles, and things that may pass over said road or any part thereof, as shall be for the interest of said company, and the same to change, lower, or raise at pleasure; a list of the rates established from time to time, shall be posted up at some conspicuous place at each gate, together with all necessary directions: *Provided*, The tolls charged shall not be higher than the highest rates of tolls charged on roads of a similar kind in this State: *And Provided, further*, That no such tolls shall be knowingly demanded or received from any minister of the gospel in regular standing in any church, or of any person traveling to or from a funeral, or of any person traveling to or from church on the sabbath day, or of any woman traveling alone, nor shall any such toll-gate or gates be erected and maintained within one mile of the court house in the town of Bedford, under penalty of having six-fold the amount so demanded and received improperly, recovered by the party aggrieved before any justice of the peace of the proper county against said company.

Sec. 22. If any person using said road shall, with intent to defraud said company, or to avoid the payment of toll, pass through any private way, gate, or bars, or along any other ground near to said toll gate which shall be properly enclosed, or shall practice any fraudulent means with intent to evade or prevent the payment of toll, or otherwise defraud the company, every person so concerned in such fraudulent practice shall forfeit and pay to the company the sum of five dollars, recoverable without any benefit

of appraisement or stay laws, with costs of suit, in action of debt, in the name of the company, before any justice of the peace of the proper county: *Provided*, That nothing in this act shall be so construed as to prevent persons residing on premises through or touching which said road passes from freely using said road at all times within one and a half miles of his dwelling without paying any toll or charge for himself, family, and servants, or for any of his cattle, teams, or property.

Sec. 23. The company shall set up a post or stone at the end of every mile with the number of miles from the commencement of the road fairly cut or painted thereon.

Sec. 24. Any person willfully or negligently destroying, or defacing, or removing any guide-board, mile-post, or stone, or list of rates of tolls or directions erected on said road, or remove any plank, board, or other materials, or fill up any ditch, placed or used in the construction of said road, or willfully run, or cause, or suffer to be run along or upon said road any horse beasts, shall, upon conviction thereof before any justice of the peace or court of competent jurisdiction, forfeit and pay a sum not exceeding twenty dollars, nor less than five dollars in addition to the value of the damages done thereby, to be recovered with costs of suit in the proper action at the suit and for the use of the company without the benefit of appraisement or stay laws.

Sec. 25. If a toll-gatherer on said road shall unreasonably detain any passenger after the toll has been paid or tendered, or shall demand or receive greater toll than is allowed by this act, he shall for each offence, forfeit and and pay a sum not exceeding ten dollars, to be recovered before any justice of the peace having jurisdiction, within twenty days after the right of action has accrued, and not afterwards.

Sec. 26. The company shall cause a fair account to be kept of all expenses of making, constructing, and repairing said road, on any section thereof, together with their incidental expenses, also a fair account of all tolls received, and the books of said company shall be kept always open for the inspection of any stockholder in said company.

Sec. 27. The board of directors shall have power to remise, by deed or other proper and legal conveyance, any lands, mortgages, stocks in other companies, goods, chattels, wares, merchandize, and other materials which may be subscribed for stock in said company, and may sell the same for money or labor, or otherwise convert the same into available means to be used in the construction of said road, and to give all proper deeds or other conveyances that may be necessary to complete the sale of the same.

Sec. 28. The stock of the company shall be regarded as personal property, and may be sold on execution, and transferred on the

books of the company by the officer making the sale; but shall, in all cases, be subject to the lien mentioned in section 9.

SEC. 29. It shall be lawful for said company to receive any contracts, gifts, grants, donations, or bequests, in lands, money, labor, materials, or property of any kind offered in consideration of the location of said road or otherwise; and it shall be lawful for said company to loan out at interest such portion of the earnings of said road as they may think proper, upon such security as the directors may see fit to take for the purpose of providing a fund for repairing said road.

SEC. 30. If any person feels himself aggrieved by the location of said road over or upon any of his lands, or of the taking from his lands any stone, gravel, or other materials for the use of said road, he shall sue therefor in six months after his right of action shall have accrued by the location of said road or the taking of said materials, and not afterwards.

SEC. 31. The provisions of this act shall be so construed as to authorize said company to locate and construct any other road or roads of a similar kind terminating at any point or points on or near the line of the New Albany and Salem Railroad, or any other railroad which shall run through said county, or on or near the bank of White river within said county of Lawrence, and all such roads shall be taken and esteemed to be branches of the road first above named, although in fact not connecting immediately therewith, and this act shall apply in all its parts to all such roads and branches; and whenever in this act the term road occurs, it shall be taken and construed to mean and embrace as well the main line designated as every other branch or road to be constructed by said company.

SEC. 32. This act in all its operations is limited to the term of one hundred years from this date, is hereby declared to be a public act, and liberally and beneficially construed for all purposes, and shall take effect and be in force from and after its passage.

CHAPTER CXCI.

An act to authorize the commissioners of Ohio county to collect tolls at a certain bridge therein named.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board of commissioners of Ohio county be, and they are hereby authorized to cause tolls to be collected at the bridge on Arnold's creek, near its mouth, in said county, for the purpose of completing said bridge and keeping the same in repair.

SEC. 2. For such purpose it shall be lawful for said board to appoint some person to collect tolls at said bridge, and said board of commissioners shall fix the rates of toll to be charged and paid, and may do all other things necessary to carry out the objects of this act.

SEC. 3. This act shall take effect and be in force from and after its passage.

CHAPTER CXCII.

An act to authorize the erection of a mill-dam across the Wabash river, in Cass county Indiana.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That John W. Wright, his heirs, or assigns, or such persons as may be associated with him or them, be, and are hereby authorized to erect a mill-dam across the Wabash river, on section thirty-six, in township twenty-seven, of range one west, in Cass county.

SEC. 2. That said Wright, his heirs, assigns, or associates, be, and are hereby required to erect in said dam a suitable and sufficient slope or chute for the purpose of safely passing all boats, rafts, or

other crafts navigating said river, without injury; and for any injury done to any boat, raft, or other craft navigating said river, by the insufficiency of said slope or chute, said Wright, his heirs, or assigns shall be liable.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CXCIII.

An act amendatory of an act entitled "an act to incorporate the Ohio and Mississippi Railroad Company."

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the several acts of the General Assemblies of the States of Illinois and Ohio, granting to the Ohio and Mississippi Railroad Company the right of way for the purpose of constructing and using a railroad in said separate States, as contemplated in the charter of said company, or otherwise aiding said company, that have now or hereafter may be enacted by either of said States of Illinois and Ohio, shall, upon the acceptance of the same respectively by the board of directors of said company, entered upon the minute book of said board, be taken, considered, and adopted as part of the original act of incorporation of said company.

SEC. 2. This act shall take effect and be in force from and after its passage, and be taken and construed as a public act.

CHAPTER CXCIV.

An act for the benefit of the Edinburgh and Western Plank Road Company.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be lawful, under the restrictions and limitations hereinafter mentioned for the Edinburgh and Western Plank Road Company, in addition to the tolls authorized by law, to charge and collect, for passing on each of the bridges erected by said company over Sugar creek, and over Blue river, the following rates of tolls, viz: For one horse and rider, ten cents; for a carriage or other vehicle drawn by one horse, twenty cents; for a wagon drawn by two horses or other animals, twenty cents, and for each additional horse or animal, five cents; for each carriage drawn by two horses, twenty-five cents; for each horse, mule, or ass, led or driven, three cents; for each head of neat cattle, two cents; for each hog, sheep, or goat, one-half cent: *Provided*, No person traveling eastward upon the road of said company, and coming thereon more than three-fourths of a mile west of Sugar Creek, or traveling westward and leaving said road at any point more than three-fourths of a mile west of Sugar creek, shall be liable to the payment of any tolls under this act: *And provided further*, That crossing either or both of said streams above or below said bridges, shall not subject the person or persons to any liability whatever to said company.

SEC. 2. This act shall be in force from and after its passage.

CHAPTER CXCV.

An act for the relief of Daniel Stowell, of St. Joseph county.

[APPROVED FEBRUARY 13, 1851.]

WHEREAS, By a law of the State of Indiana, approved February 2, 1832, entitled "an act to provide for the selling of the Michigan road land, to open that part of the Michigan road between Logansport and Lake Michigan, and for other purposes," a certificate

was issued to John Rush, late of St. Joseph county, in said State, for the east half of the south-west part, south of boundary of section thirty-three, (33) in township number thirty-seven (37) north, of range two (2) east, containing ninety [and] thirty-four one-hundredths (90 34-100) acres, bearing date 21st February, A. D. 1835, and signed "William Polk, commissioner;"

And Whereas, The said John Rush did, on the 28th day of August, 1835, assign, set over, and transfer all his right, interest, and claim to and in said certificate, to Robert Mitchell, late of said county, now deceased, and who died while in possession of said certificate as the assignee, as heretofore stated;

And Whereas, Under an order of the probate court of St. Joseph county, the land described and set forth in said certificate, was appraised and sold as the property of the said Robert Mitchell, deceased, to Daniel Stowell, of said county, and a deed or conveyance was executed to said Daniel Stowell by the commissioner appointed by the said court for that purpose; therefore,

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That the secretary of state be directed and required to issue a patent for said land to the said Daniel Stowell, on the presentation of the original certificate issued and described as aforesaid.

Sec. 2. This act to be in force from and after its passage.

CHAPTER CXCVI.

An act to incorporate the Vincennes and Orleans Plank Road Company.

[APPROVED FEBRUARY 14, 1851.]

Section 1. *Be it enacted by the General Assembly of the of State Indiana,* That Samuel Emerson, Simeon Root, and John Wise, of the county of Knox; John Van Trees, James Trainer, and Richard A. Clements, of the county of Davis, Thomas W. Gibson, Abner R. Brown, and Martin D. Criner, of the county of Martin, and David Huffstetter, William T. Spicely, and James Webb, of the county of Orange, be, and are hereby appointed commissioners to open books and receive subscriptions for stock for the purpose of constructing a

plank road from Vincennes in Knox county to Orleans, in Orange county, and any five of said commissioners shall be a quorum to open books as aforesaid.

Sec. 2. Whenever the amount of twenty-five thousand dollars shall be subscribed in solvent stock, said commissioners, or any five of them, shall proceed to organize a plank road company under the provisions of the general laws which are now in force, so far as the same are not inconsistent with this act, for the construction of plank roads, which company shall be known and styled the "Vincennes and Orleans Plank Road Company," and said company when so organized, shall proceed to locate and construct a plank road as aforesaid, according to the provisions of the general laws upon that subject, as aforesaid.

Sec. 3. The capital stock of said company shall consist of the sum of one hundred thousand dollars, and may be increased to the sum of two hundred thousand dollars.

Sec. 4. Said books for the subscription of stock shall be opened, and said company shall be organized, within five years from the passage of this act; and said road shall be finished within fifteen years after its commencement.

Sec. 5. Said company shall have the right to appropriate to its own benefit and use, if it shall desire so to do, any portion or all of the New Albany and Vincennes Turnpike Road between said town of Vincennes and the town of Natchez, in Martin county.

Sec. 6. This act shall be in force from and after its passage.

CHAPTER CXCVII.

An act to provide for the payment of the debts and liabilities of the Hagerstown Canal Company.

[APPROVED FEBRUARY 13, 1851.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That for the purpose of enabling the Hagerstown Canal Company to defray the expenses of constructing and keeping in repair the canal of said company, the directors of said company are hereby authorized and empowered to sell and convey said canal together with all the water power thereof belonging to said com-

pany, and all the rights, privileges, and interest whatever which said company may have in and by said canal, or any and all acts incorporating said company, or such part thereof as said directors may deem it expedient and for the best interest of the company, to sell and dispose of.

SEC. 2. Notice of the time and place of such sale shall be given at least sixty days prior thereto by publication in one or more of the weekly newspapers published in Wayne county; such sale shall be at public auction, and upon such terms as to payment of the purchase money as the directors of said company may prescribe; and said company may take such notes or bonds to secure from the purchasers the payment of the purchase money as shall be satisfactory to said company, which notes or bonds shall be made payable to said Hagerstown Canal Company, and upon the payment of the purchase money, the president of said company shall have power to execute and deliver all necessary deeds of conveyance to secure to the purchaser the benefit of such purchase.

SEC. 3. Prior to such sale it shall be the duty of the directors of said company to select one individual, who shall not be a stockholder, and the creditors of said company shall select a second individual, and the persons so selected, after being duly sworn to honestly appraise the same at its cash value, shall proceed to appraise said canal, water power, and other privileges and appurtenances thereunto belonging, or such part thereof as said directors may have advertised for sale as aforesaid, and in case such appraisers shall not agree they shall select a third person, who, upon being sworn as aforesaid, shall assist in the appraisement thereof, and such appraisement, when made by said appraisers or a majority of them, shall be by them certified to said directors, and no sale shall be made for a less sum than four-fifths of the appraised value of the estate, interest, or privilege sold, and in case of the sale of the canal, said directors may, prior to the sale thereof, affix such conditions thereto in relation to the purchaser keeping the same in repair and in navigable order as they may think proper and for the interest of said company and the public good, which conditions shall be publicly proclaimed on the day of sale, before the sale thereof, and such conditions shall be binding on the purchasers, and said company may take from the purchasers a bond in such sum as they may designate, with security, conditioned for the performance of such conditions.

SEC. 4. The proceeds of such sale or sales shall be by the directors of said company appropriated to the payment of the debts of said company, and in such appropriation the liabilities of said company for labor and means advanced in constructing and repairing said canal shall be first paid, and after the payment of all the debts and liabilities of said company, the overplus, if any, shall

be distributed among the stockholders of said company in proportion to the amount of stock by them severally paid in.

SEC. 5. This act is hereby declared to be a public act and shall be in force from and after its passage.

CHAPTER CXCVIII.

An act to incorporate the Widows' and Orphans' Asylum of Indianapolis.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Mrs. Jane M. Morris, Caroline Harrison, Mary R. Sheets, Rachel Irwin, Maria D. Willard, Josephine B. Hollinghead, Jane Graydon, Lydia Bradley, Josephine Cressy, Ann Morrison, Sarah Underhill, Diantha Dunlap, Julia A. Phipps, Elizabeth Butler, Catharine Wiley, and Ann M. Williams, and such other persons, male or female, as may contribute annually--males, the sum of three dollars, and females the sum of one dollar—for the purposes in this act contemplated and authorized, and be received by a vote of a majority of said persons as members, be, and they are hereby constituted and declared a body politic and corporate, with perpetual succession, by the name and style of the "Widows' and Orphans' Asylum of Indianapolis," and by that name shall be able and capable in law to sue and be sued, plead and be impleaded, contract and be contracted with, as natural persons; and shall also have power to receive gifts, grants, donations, devises, legacies and bequests of moneys, goods, and other property, real and personal, and to sell, convey, and apply the same.

SEC. 2. The sole objects of said corporation are to provide an asylum or asylums in the city of Indianapolis for destitute or needy widows and orphan children, as soon as means can be procured, and also to afford to the said classes of persons such occasional and temporary relief as the directory may from time to time be able to extend.

SEC. 3. The persons named in the first section of this act shall be the first board of directors for the government of said corporation, to continue in office till the first Tuesday of November next and until their successors shall be elected and qualified, with power

to fill vacancies within their body until the first annual election under this act, which shall be on the first Tuesday of November annually; but a failure to elect annually shall not affect the rights and powers of the corporation, but an election shall be held at any other time in the year by giving notice thereof for ten days in one of the city newspapers.

SEC. 4. The said corporation, by a majority of its members, may form a constitution and by-laws for their own government, not inconsistent with the constitution and laws of the State, and may have and use a common seal, and may alter, amend, or repeal the same.

SEC. 5. No officer or agent of said corporation shall ever, directly or indirectly, receive any compensation for the performance of any official services, nor have any interest, directly or indirectly, in any contract concerning the institution or institutions contemplated in this act.

SEC. 6. That in administering the charity of said institution and selecting the objects of its care, no sectarian distinction shall ever be made, and no orphan shall ever be excluded from its aid on account of religious or sectarian matters or connections; and if the said corporation shall in any instance violate this provision, then and thereafter all its corporate rights shall cease, this charter be forfeited, and all the property of the corporation shall immediately accrue to and be vested in the county of Marion, for the use of the poor.

SEC. 6. This act to be in force from and after its passage.

CHAPTER CXCIX.

An act for the relief of the estate of John Reily, late of Martin county, deceased.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the administrator of the estate of John Reily, late of Martin county, deceased, be and he is hereby authorized and empowered to sell, and dispose of as personal property, all or any certificates of sale for lands sold for taxes, of which said deceased, may have died legally possessed.

SEC. 2. Before such administrator shall sell and dispose of any such tax certificates, he shall first have the same inventoried and appraised in the same manner as is provided by law for the inventorying and appraisement of the personal property of decedents estates, and sale thereof shall be made in the same manner as is provided by law for the sale of personal property, by executors and administrators.

SEC. 3. Upon the sale of any such certificate by said administrator, he shall assign and deliver the same to the purchaser or purchasers thereof, in the same manner as is provided by law for the assignment and transfer of such certificates, but such assignment shall be made by said administrator, without any recourse against him, either in his individual or fiduciary character, or against the heirs of said deceased, and such assignment and delivery shall vest all the rights and advantages in such purchaser or purchasers, which would have vested in him or them, if the said deceased were alive and had made such assignment, and said administrator shall make return into the probate court of the proper county, of the inventory and account of sales of said certificates, as is provided by law in cases of the appraisement and sale of personal property belonging to the estates of decedents.

SEC. 4. This act shall take effect and be in force from and after its passage.

CHAPTER CC.

An act for the protection of an orphan.

[APPROVED FEBRUARY 13, 1851.]

WHEREAS, James H. Jacoby and Ursula A. Jacoby his wife, of the Village of Oswego, in the county of Kosciusko, and State of Indiana, have received from "the Cincinnati Orphan Asylum," a female infant, which they have adopted as their daughter, and are desirous to have the legal relations of parents and child reciprocally established between them, therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the said child shall hereafter be known and designated by the name of Mary Jacoby.

SEC. 2. That all the rights and obligations of the parental and filial relationships, are hereby reciprocally established, between the said James H. Jacoby and Ursula A. Jacoby, and the said Mary

Jacoby, as fully and amply as if the said Mary were the issue of the marriage of said James H. Jacoby and Ursula A. Jacoby.

SEC. 3. This act is hereby declared a public act, and shall be liberally construed.

SEC. 4. This act shall take effect from and after its passage.

CHAPTER CCI.

An act in relation to State Roads in Johnson county.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the State road, leading from Mooresville by Morgan's ford on White river, to Greenwood in Johnson county, be and the same is hereby declared to be a State road; said road shall be thirty-six feet in width, and shall be opened and kept in repair as other State roads.

SEC. 2. Said road shall begin at the south-west corner of section No. thirty (30,) town 14 north, of range 3 east, and shall run east on the section line to White river, thence by Morgan's ford to said line on the east side thereof, thence east on the section line to a point 80 rods east of the south-west corner of section (26) twenty-six, town 14 north, of range 35, [3 east] thence with the present location of said road to Greenwood; nothing herein contained shall authorize any person to obstruct any part of the State road between White river and the State road leading from Indianapolis to Far West as now traveled, until said road as herein located shall be opened according to law.

SEC. 3. All State roads heretofore laid out within said county, whose width has not been established by law shall be of the width of thirty-six feet.

SEC. 4. This act shall be in force from and after its passage.

CHAPTER CCII.

An act to locate a State Road in Warren and Fountain counties.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Thomas Julian of Warren county, and Jesse Marvin of Fountain county, are hereby appointed commissioners, to view, mark and locate a State road, commencing at Independence in said county of Warren, thence on or near the line between Davis and Logan townships in the county of Fountain, to intersect the State road leading from Attica to Jefferson, at the half mile stake between sections eleven (11) and twelve (12,) town 21 north, of range 7 west.

SEC. 2. Said commisioners shall meet at the town of Independence, as soon after the passage of this act as may to them be convenient, and shall have power to employ a surveyor and chainmen, and they shall be governed in all cases by the laws now in force, in regulating the duties of commissioners in like cases, and receive a reasonable compensation for their services, to be paid by the said counties of Warren and Fountain.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CCIII.

An act to enable the qualified voters of district No. six (6,) township No. twenty-six (26,) range No. one (1) west, in Carroll county, to levy a tax in said district sufficient to build a school house.

[APPROVED FEBRUARY 10, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be lawful for the qualified voters of school district No. six (6,) township No. twenty-six (26,) north, of range No. one (1) west, in said county, to hold a meeting in said district at some time on before the first day of June next, and determine by

vote whether a tax shall be levied upon the property of said district for the purpose of building a school house therein.

SEC. 2. At least ten days' notice of the time and place of holding such meeting, shall be given by at least three written advertisements, posted up in three of the most public places in said district.

SEC. 3. If a majority of all the qualified voters of said district shall, at such meeting decide in favor of levying a tax for the purpose aforesaid, they shall also have power at the same time and place, to determine the amount of such tax, which shall not exceed the sum of fifty cents upon each one hundred dollars worth of taxable property in said district, and the amount which shall then and there be agreed upon, shall constitute a valid charge and lien upon the property of said district.

SEC. 4. The district trustee shall preside at such meeting, or in his absence the qualified voters may appoint a clerk thereof, who shall make returns of the proceedings of such meeting to the county auditor, in accordance with the provisions of the 13th and 16th sections of an act to increase and extend the benefits of common schools, approved January the 17th, 1849, and the county auditor shall likewise be governed by the provisions of those sections.

SEC. 5. Should the amount of tax so levied, prove insufficient to complete and finish said school house, the said qualified voters shall in like manner and under like restriction, levy another tax upon the property of said district, to be collected the next succeeding year, at a meeting to be held at some time prior to the first day of June, A. D. 1852.

SEC. 6. This act to take effect and be in force from and after its passage.

CHAPTER CCIV.

An act to authorize the city of Lafayette, to subscribe to the stock of the Lafayette and Indianapolis Railroad Company.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be lawful for the president and trustees of the town of Lafayette, and they are hereby authorized, by and with the consent of the board of directors of the Lafayette and Indianapolis Railroad Company, to subscribe at one or more time or times for any number of shares of the capital stock of said railroad company, for and on behalf of said town, but not to exceed in all the number of three thousand shares.

SEC. 2. To secure the payment of such subscription, said president and trustees may by arrangement with said board of directors, cause to be issued, the corporate bonds of said town of Lafayette, payable to said railroad company or bearer, at such time or times, and at such place or places, and of such denomination not less than one hundred dollars, as may be agreed on by and between said president and trustees, and said board of directors, which bonds may bear such a rate of interest, payable annually or semi-annually, not to exceed the rate of seven per centum per annum, as may be in like manner agreed on, and may be issued with or without interest, warrants or coupons attached; said bonds shall be negotiable, and may be made payable to holder or bearer, and may pass by delivery after being endorsed by said railroad company, through such agent as they may in that behalf appoint.

SEC. 3. It shall be lawful for said railroad company, to sell and dispose of said bonds, or to pledge or hypothecate the same, either within this State or out of it, upon such terms and for such price as said company may think expedient and conducive to the interest of their road, and may guaranty the payment of the same, and may apply the proceeds of such sale, pledge or hypothecation to the construction or equipment of said railroad.

SEC. 4. Said president and trustees may agree with said railroad company, as to the terms on which said subscription shall be made, and for the waiver, cancellation and rescinding of such subscription, in whole or in part, in case said railroad company shall cause the redemption or cancellation of such bonds or of part thereof, but for whatever amounts of money, either of principal or interest, may be paid upon said bonds by said president and trustees, the said railroad company shall issue to them certificates of the capital stock of said company at par, to an amount equal to the sums of money so paid.

SEC. 5. Before any such subscription shall be made by said president and trustees, they shall cause a vote to be taken by ballot of the qualified voters of said town, at such time and place within said town, and in such manner, as they may appoint, and after advertisement thereof, given by at least six successive daily publications in each of the daily newspapers printed in said town, naming in such advertisement the amount of subscription so proposed to be made, and at such ballot, each person voting shall have written or printed on his ballot the words, "for subscription to railroad stock," or the words, "against subscription to railroad stock." Three inspectors shall be appointed by said president and trustees, to superintend such balloting, which shall be conducted in all respects, not herein otherwise provided, in the same manner as elections for

trustees are held in said town, but there shall be only one place of balloting; before such balloting commences, said inspectors shall be sworn before some officer authorized to administer oaths, faithfully and impartially to discharge their duties as such inspectors, a certificate whereof, in writing, shall be returned by such officer to said president and trustees, at the close of such balloting, said inspectors shall proceed to canvass the ballots and shall make out in writing, to be signed by them or a majority of them, a statement certifying the number of ballots cast "for subscription to railroad stock," and the number of votes cast "against subscription to railroad stock," which written statement shall, within three days thereafter, be returned by them to said president and trustees or to their clerk, and shall be entered on their corporate minutes, and if a majority of all the ballots so cast, shall be "for subscription to railroad stock," the said president and trustees may then cause such subscription to be made to said capital stock, to the amount named in such advertisement, and may issue the corporate bonds of the said town therefor as aforesaid.

SEC. 6. This act is hereby declared to be a public act, and shall be in force from and after its passage.

CHAPTER CCV.

An act to incorporate the Columbus Plank Road Company.

[APPROVED FEBRUARY 12, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Aquilla Jones, Thomas Hays, Samuel L. Lefever, and Joseph Robinson, of Bartholomew county, and Thomas M. Adams, of Brown county, and their successors in office, be, and they are hereby incorporated and made a body corporate, by the name of "The Columbus Plank Road Company," and by that name may contract, sue and be sued, acquire, hold, and convey all kinds of property, real and personal, necessary for the purposes of said incorporation and company.

SEC. 2. Said company shall have the right and power to build a plank, gravel, or turnpike road from Columbus westward on the State road leading from Columbus, by Nashville in Brown county,

to Bloomington, in Monroe county, and for that purpose shall have all the rights, powers, privileges, and immunities granted and allowed to any persons associating themselves together for the purpose of constructing a coal or plank road by an act of the General Assembly of the State, entitled "an act to authorize the construction of plank or coal road," approved February 16, 1848.

Sec. 3. The capital stock of said company shall be limited to the amount necessary to construct and complete said road in all respects, and shall be fixed by the company aforesaid, and at pleasure raised, subscribed, or increased for that purpose; it shall be divided and held in shares of ten dollars each, and the owner and holder of each share shall be entitled to and receive from the said company a certificate therefor, in such form and transferrable in such manner as said company by its directors shall direct; every share of stock shall entitle the holder thereof, at the time of any election by stockholders, to one vote, and the possession of such certificate shall be *prima facie* evidence of such holders right to said stock, and to any profits or dividends thereon, payable during the time of his holding the same.

SEC. 4. The board of directors of said company shall consist of five persons, who shall be stockholders, and shall be elected annually, and every director shall hold his office as such until his successor shall be elected and qualified: *Provided*, That a majority in amount of stock of the stockholders may require, order, and hold an election for directors, at any time; may remove any director and elect another.

SEC. 5. Said company shall be authorized to organize, and to hold, own, and exercise full corporate power as soon as ($5,000) five thousand dollars of capital stock shall have been subscribed, may proceed to hold an election for directors, and proceed to construct said road, or any part thereof, and thereafter continue and extend the same from time to time as they may see proper, but shall not charge, collect, or receive any tolls or taxes thereon until three miles thereof shall have been completed.

SEC. 6. Said company shall be authorized to take, use, hold, and occupy, any county or State road as and for their plank road, to change to and from the same, to improve the route at pleasure, and after any such State or county road shall have been so taken and occupied by them, to control the transit on the same in all respects, and be liable and bound to keep the same always open for passage and in repair; and when any part of any State or county road shall, in the opinion of the county commissioners, be rendered useless by reason of a change and improvement for passage made by such plank road company, said commissioners shall cause such useless part to be vacated.

SEC. 7. Every director in said company shall be individually liable for all debts contracted by his vote over and above the

amount of solvent stock of the company at the time of contracting such debt, and every share-holder shall be liable to the creditors of said company individually, to an amount equal to the stock subscribed for by him for all debts made while he may be such share-holder.

Sec. 8. Said company by its directors shall keep a regular record of all its proceedings, of every vote creating debt or liability, and such record shall be authenticated by the signature of the secretary and shall be evidence of the matters contained in it.

Sec. 9. The directors of said company shall appoint all necessary officers and agents, fix their pay, fix the rates and charges of tolls on said road, and have a general control, direction and superintendence of the affairs and business of the company.

Sec. 10. That the 3, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, and twentieth (20) sections of an act authorizing the construction of plank roads, approved January 15, 1849, shall be and the same are hereby made a part of this act and the charter of the said Columbus Plank Road Company

Sec. 11. This shall be a public act, and be in force from and after its passage.

CHAPTER CCVI.

An act relative to leveeing and draining the lands in the Lower Prairie, below Vincennes in Knox county.

[APPROVED FEBRUARY 13, 1851.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That William Burtch, Charles Graeter, John Francis Bayard, Henry D. Wheeler, and John B. Bonhomme, and their successors be appointed a board of directors, to locate and superintend the construction of a levee from the borough of Vincennes to the Grand Coulee, along the Wabash river, thence along the said coulee, as near as may be thought advisable, to the big ditch, thence along the same to Catherinette Prairie, and to drain all the low land within or between said line of levee and the high lands; who shall have full power and authority to construct said levee, as also to adopt the one already constructed, as also such measures as they may deem necessary for the preservation of the

same, to repair the same, and to do all and every thing that may be necessary to make said works answer the purposes of their construction, and are also for the purposes aforesaid, hereby made capable in law to contract and be contracted with, to sue and be sued, to plead and be impleaded, by the name and style of the Board of Directors for Leveeing and Draining the Lower Prairie.

Sec. 2. That all the owners of real estate embraced in the following limits, to-wit: within a line commencing at the borough of Vincennes, thence down the river Wabash to the grand coulie, thence along the grand coulie to the big ditch, thence along said ditch to the Mt. Carmel road, thence along said road, thence along the high lands to five acre commons lots, along the same to the lower line of the borough to the place of beginning, shall, on the first Monday of April, A. D., 1852, and every two years threafter elect three freeholders of said territory, resident in the county of Knox, to succeed the board herein appointed, who shall hold their offices for two years, and until their successors are duly elected.

Sec. 3. The board of directors shall give three weeks' notice of said election by posting up written notices at three of the most public places in said territory; shall fix and regulate the place, and time, and manner of holding and conducting such election; shall appoint the inspector, judges, and clerks of the same, shall prescribe their duties, and shall make all other needful regulations appertaining thereto.

Sec. 4. Said board shall, at their first meeting, organize by appointing one of their own body clerk, whose duty it shall be to keep and preserve all the books and papers belonging to the board, and shall also adopt such rules and by-laws for their own government as they may deem right and proper.

Sec. 5. The board shall keep a book in which all its orders, resolutions, appointments, and contracts shall be recorded and signed by those members of the board present at their adoption, and a majority of said board shall have all the power to act in all matters coming within the scope of the power herein conferred on said board as fully and as completely as if the whole of said board were present and concurred therein.

Sec. 6. The board, as soon as practicable, and as often thereafter as they may deem proper, shall apppoint a disinterested freeholder from the county of Knox, whose duty it shall be to carefully examine the lands in said territory, to rate and assess the benefits said improvements have been and will be to each tract, or farm, and to return the same under their hands to said board of directors with a certificate endorsed and sworn to by them that it is a true and faithful assessment to the best of their judgments; and such assessments shall be liens upon the different tracts of land upon which they are assessed until fully paid.

SEC. 7. The board shall appoint some suitable person to collect all assessments, shall fix his compensation, and require such bond of him as they may deem advisable.

SEC. 8. The board shall make out, or cause to be made, whenever it may be deemed necessary, a duplicate of such assessments under their official signatures, with the amount to be paid by each person opposite to his name, and the amount heretofore paid on account of the construction of said embankment, levee, drain, or repair of same, which shall be deducted from the amount assessed against such individual, and hand the same over to their collector which duplicate shall be his precept for collecting the same, and shall have the force and effect of a writ of *fieri facias* in the hands of said collector, and all persons who shall not pay, or of whom said collector has not collected the amount of their assessments within six months from and after the delivery of said duplicate into the hands of the collector, shall be returned by him to said board of directors as delinquents.

SEC. 9. The board of directors, to enforce the collection of said assessments, may file a certified copy of such delinquent list in the circuit court of the proper county, and cause summonses to be issued against said delinquents who may reside in said territory, which summonses shall be served by the sheriff of the proper county, and if served ten days before the first day of court, judgments may be rendered by said court against each of said delinquents for the sale of their lands for the payment of such assessments and costs, which judgments and sales shall be governed in all respects by the laws which may be in force regulating the foreclosure of mortgages, and the sheriff sales consequent thereon.

SEC. 10. If any of said delinquents be non-residents, notice of the pendency of such application shall be published in one of the newspapers at Vincennes for six successive weeks, six months before the first day of the court at which judgment can be rendered.

SEC. 11. The directors shall further have power to collect any delinquencies on said duplicate by suit at law, before any court of competent jurisdiction.

SEC. 12. Any of said freeholders shall have the privilege, under the direction of said board of directors, at such time and place as they may direct, to work out the amount assessed against him as is allowed to persons against whom may have been assessed a road tax under the general law governing that subject.

SEC. 13. This act shall take effect upon its adoption by a vote at the town Hall, in Vincennes, of a majority of said freeholders, at such time, and in such manner as may be determined by said board of directors, and shall be considered a public act, and construed liberally for the purposes above mentioned.

SEC. 14. Upon taking effect of this act, all laws and parts of laws coming in purview of this act, are hereby repealed, but not so as to effect the common interest of said freeholders in the levee already constructed, nor any claims due on account of said construction.

CHAPTER CCVII.

An act to incorporate the Sparta and Napoleon Turnpike Company.

[APPROVED JANUARY 22, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Elias Conwell, Diab Pratt, Joshua E. Brown, Stephen S. Harding, of the county of Ripley, and John Brumhlay, James W. Gaff, and Thompson Dean, of Dearborn county, and their associates and successors, be and they are hereby constituted a body politic and corporate, under the name of the "Sparta and Napoleon Turnpike Company," and by that name may contract and be contracted with, may sue and prosecute, and be sued and prosecuted to final judgment and execution in all courts having competent jurisdiction, and do and perform all other thing legitimate for said company to do, and they are hereby invested with all the powers and privileges in any wise necessary and expedient to carry into effect the proper business of the association.

SEC. 2. *Be it further enacted*, That all the rights, privileges, powers, and authority granted to the Moor's Hill and Aurora Turnpike Company, contained and embraced in sections Nos. 2, 3, 4, 5, 6, 7, 8, 9, 11, 14, 15, and 16 of an act to authorize a company to construct the Aurora and Moor's Hill Turnpike, approved February 15, 1848, be, and the same are hereby granted to the Sparta and Napoleon Turnpike Company, and said sections are hereby made a part of this act.

SEC. 3. Said company shall have power to view, mark, locate, and construct a turnpike road from Sparta, in Dearborn county, by way of Milan and Prattsburg to Napoleon, in Ripley county; and in constructing said turnpike said company [may] follow such plan and use such materials as they may deem most expedient, and if it shall be found necessary and advantageous to the location

and construction of said road, the company shall have the right to lay the same along and upon any state or county road.

SEC. 4. That in all cases when any person through whose land said road is to run shall refuse to relinquish his land or permit the company to occupy the same, or where a contract with the parties cannot be made, it shall be lawful for the company to give notice to some justice of the peace in the township where such circumstances may exist or occur, and such justices shall thereupon summon the owner of the land to appear before him on a certain day, within ten days thereafter, and shall call before him a jury of twelve disinterested men of the neighborhood, or such number as may be agreed upon by the parties, who shall, after having taken an oath faithfully and impartially to assess the damages, and after reviewing the land and materials, shall report thereon, what amount of damages the owner is entitled to, and file such report with such justice, whereupon such justice shall enter judgment thereon, unless for good cause shown, or unless the damages shall exceed the sum of one hundred dollars; in case the damages exceed the sum aforesaid, it shall be the duty of such justice to file the same properly certified in the circuit court of the proper county, and judgment shall be had thereon in the same manner as judgments are had upon appeals from justices of the peace, and in case either party can show good cause why the justice should grant a review, he shall order the same to be reviewed either with or without cost; either party may appeal to the circuit court of the proper county, as in other cases, and the case there be tried *de novo*, and final judgment rendered; and such court shall appoint reviewers, who may report at that or the succeeding term, until which report judgment shall not be rendered.

SEC. 5. When said road is located and the directors decide to commence the work on said road, they shall commence at the east end of said road and proceed westwardly.

SEC. 6. This act is hereby declared to be a public act, and to be in force from and after its passage.

CHAPTER CCVIII.

An act to incorporate the Trustees of the Indiana Female College.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Calvin Fletcher, Austin W. Morris, Edward R. Ames, William Hannaman, James S. Brown, Samuel Beck, John Wilkins, Isaac N. Phipps, James P. Southard, John D. Defrees, James J. Drum, John W. Holland, Albert G. Porter, R. J. Patterson, and E. W. H. Ellis, of the city of Indianapolis, and their successors in office, be, and they are hereby created a body corporate and politic, for the education of females, by the name and style of "The Trustees of the Indiana Female College," and by that title to have perpetual succession, with full power to sue and be sued, plead and be impleaded, to acquire, by devise or otherwise, hold, and convey property, both real and personal, and to have and use a common seal: *Provided*, Said company shall not be empowered under this act to hold or acquire real estate of a greater value than fifty thousand dollars.

SEC. 2. The property of said corporation shall be represented by shares of stock; and the trustees shall be elected by the stockholders annually on the second Wednesday of July or as soon thereafter as convenient. The number of trustees shall not exceed fifteen nor be less than five, and at least three-fourths of them shall be members of the Methodist Episcopal Church, and they shall hold their office until their successors shall be elected and qualified; they shall provide regulations for the government of the corporation, and for the election of trustees and other officers, and regulate the number of votes each stockholder shall be entitled to in proportion to his stock, and the mode of voting by proxy, and generally establish and adopt such by-laws, rules, and ordinances, not inconsistent with the provisions of this act, as they shall deem necessary for the welfare of said college.

SEC. 3. No part of the capital stock of said corporation, nor any interest or income thereof, shall ever be applied to any other purpose than the purchase and improvement of real estate for the use and accommodation of said college, and in the erection, maintainance, and repair of the buildings for the education and accommodation of the pupils, and to provide a library and apparatus for the college.

SEC. 4. The trustees of said Indiana Female College shall have power to appoint a president of said college, and such professors

and instructors as may at any time be necessary for the instruction of the pupils therein in the arts and sciences, and in all the necessary, useful, and ornamental branches of a thorough and a liberal education, such as is taught in the best female colleges and academies; and the said trustees shall have power to prescribe such course of study and such mode of instruction in said college as they may judge best, and to confer on those pupils whom they may deem worthy thereof all such literary honors and degrees as are usually conferred by the best female colleges, institutions, or academies.

Sec. 5. No omission to use any of the privileges hereby granted shall cause a forfeiture of the same, nor shall any gift, grant, conveyance, or devise to or for the benefit of said corporation, be defeated or prejudiced on account of any misnomer, misdescription, or informality; nor shall any contract made by the trustees of said college within the limits of their corporate authority wherein they describe themselves as such trustees be held to bind them personally, but the same shall be taken and construed to be the act of said corporation.

Sec. 6. The voluntary association heretofore formed for the purpose of establishing and maintaining said Female College, under the name and style of "The President and Trustees of the Indiana Female College," is hereby abolished with the consent of said voluntary association, and all the franchises thereof are hereby tranferred to and vested in the corporation hereby created: *Provided*, That no vested interest in property acquired under said association shall be hereby impaired.

Sec. 7. This act is hereby declared to be a public act, and shall take effect and be in force from and after its passage.

CHAPTER CCIX.

An act to authorize the Board of Commissioners of Martin county to order a vote to be taken in a certain case relating to the seat of justice of said county,

[APPROVED FEBRUARY 13, 1851.]

Whereas, Application has been made to this General Assembly by petition from sundry citizens of Martin county for an act removing the county seat of said county from the town of Dover Hill, where the same is now located;

And Whereas, The remonstrances of sundry other citizens of said county have been presented to said General Assembly remonstrating, against the removal of the said county seat as aforesaid;

And Whereas, It appears a considerable portion of the citizens of said county have not signed either the petitions or remonstrances aforesaid, and in consequence thereof said General Assembly has no authentic means of knowing what the wishes of a majority of the citizens of said county are upon the subject;

And Whereas, The majority of persons who have signed said petions over those who have signed said remonstrances are not, in the opinion of said General Asssembly, large enough to justify peremptory and final legislation upon the question;

And Whereas, It is desirable, both for the peace and prosperity of said county that said question shall be definitely and finally settled, and in a manner in which all persons can be heard whose rights are involved therein; therefore,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board of commissioners of Martin county are hereby authorized and empowered, either at their next March or June session, upon petition, or other proper application, to order or cause a poll to be opened at the several places of holding elections in said county, and cause a vote to be taken by the qualified voters of said county as to the propriety of removing the county seat of said county from said town of Dover Hill to said town of Harrisonville as aforesaid; *Provided, however*, That it shall be discretionary with said board of commissioners whether they will so order or cause a poll to be opened, and a vote to be taken as aforesaid or not, and in deciding whether they will do so or not they shall take into consideration the respective rights of all persons to be affected thereby, and the probability of finally and permanently settling said question.

Sec. 2. If a poll shall be opened and a vote ordered to be taken as aforesaid, those persons being qualified voters of said county, who shall be in favor of a removal of the seat of justice as aforesaid from said town of Dover Hill to said town of Harrisonville, shall endorse upon their tickets the word "Harrisonville," and those persons being qualified voters as aforesaid who are opposed [to] a removal as aforesaid, shall endorse or write upon their tickets the words "Dover Hill," and the result of said election shall be certified and returned in the same manner as any other election which may be held upon the same day, and it is hereby made the duty of the clerk of the circuit court of said county in case such a vote shall be taken within twenty days after the return thereof, to transmit the result of said vote to the secretary of State, who shall file the same in his office and transmit a copy thereof, if requested, to the next General Assembly of this State.

Sec. 3. If a vote shall be ordered to be taken, as aforesaid at the

next March session of said board of commissioners, then a poll shall be opened for that purpose at the next April election in the several townships of said county. But if the same shall be ordered at the next June session of said board, then a poll shall be opened to receive votes as above provided at the next August election, and in either case the sheriff of said county shall give at least twenty days' notice that a poll will be opened and a vote taken as aforesaid, by posting up written notices thereof in some public place in each township in said county.

SEC. 4. If a poll shall be opened and a vote taken as above provided, and a majority of votes shall be in favor of "Harrisonville," then it shall be the duty of the next General Assembly, if no sufficient cause be shown to the contrary, to make provision by law for the removal of the county seat as aforesaid, upon such terms, conditions, and restrictions as may be just and reasonable, and also to make such provision for the sale and disposition of the public property of said county at Dover Hill, and for the relief and security of persons whose rights are directly affected or injured by such removal, as the circumstances of the case may require; *Provided*, That if said county seat shall be removed as aforesaid, the erection of the public buildings of said county at Harrisonville shall be provided for, the superintendence thereof paid, and all expenses necessarily attending said removal be borne by donation, or otherwise, without any expense or charge upon the county treasury of said county. But if a majority of votes, as above provided, shall be in favor of Dover Hill, then no further proceedings be had under this act in relation to the removal of the county seat of said county as aforesaid.

SEC. 5. It shall be the duty of the county auditor of said county to certify all orders of said board, if any shall be made, in relation to opening a poll and taking a vote as aforesaid, to the clerk of the circuit court of said county within five days after any such order may be made.

SEC. 6. This act shall be in force from and after its passage. And it is hereby made the duty of the Secretary of State to forward a certified copy of this act to the clerk of said circuit court at the expense of said county as soon as practicable.

CHAPTER CCX.

An act to incorporate the Ayers University.

[APPROVED JANUARY 20, 1851.]

WHEREAS, The late Elias Ayers, Esq., of New Albany, previous to his decease, made a donation of fifteen thousand dollars to the New Albany Theological Seminary, on condition that the seminary should be located at or near the city of New Albany, and also that the donation should revert to his wife Mary Ann Ayers in case of any material change in the institution, or of its becoming extinct;

AND WHEREAS, Mrs. Ayers, now Mrs. Lindsly, has made another donation to the said seminary of an equal amount, and has directed, in case of the removal or discontinuance of the seminary, that her donation, and also that of her deceased husband, shall be appropriated to establish and sustain a literary institution of a high order at or near the city of New Albany, and has also specified in what manner the said institution shall be controlled to entitle it to receive and enjoy these benefactions;

AND WHEREAS, A number of the citizens of New Albany have petitioned this General Assembly for an act of incorporation by which, on the occurrence of such an event, the donations above referred to, and others which have been or may be given to the said seminary, can be held and applied according to the wishes of the benevolent donors, and likewise that the institution should bear Mr. Ayers' name;

AND WHEREAS, The trustees of Anderson Collegiate Institute, *alias* the Anderson University, located at New Albany, have expressed the same desire, and have petitioned this General Assembly to merge the said Anderson Collegiate Institute or University in the proposed institution; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Philip Lindsly, James Wood, John B. Anderson, James W. Hoyt, Randall Crawford, and Ashbel P. Willard, and their successors in office, be, and they are hereby consituted a body corporate and politic in law, by the name and style of the "Ayers University," and by the said name and style, shall have succession and exist forever; that their number may be increased to twelve, and shall never be less than five; that vacancies arising from death, resignation, removal, or otherwise, out of the six named herein, shall be filled by the board of trustees; that the other six shall be elected, and the vacancies filled which shall arise among them, by the Pres-

bytery of New Albany, in common [connection] with the general assembly (old school) of the Presbyterian church in the United States, unless the said Presbytery shall decline or neglect to use the trust, in which event the board of trustees shall have this power; that all vacancies shall be filled as soon as convenient after their occurrence, unless they leave the board with five or more members, in which case it shall be optional with the trustees or electors to fill them or not; that two of the members herein named, and two of those to be elected by the Presbytery, shall go out of office annually, in alphabetical order, the two former at the annual meeting of the board, the two latter at the stated fall meeting of the Presbytery, but may be re-elected, and if no election is held, they shall continue in office until their successors are appointed; that the trustees shall have power to make such by-laws, consistent with the provisions of the charter, as they may deem necessary to carry out the design of the institution, and to declare vacant the seat of any trustee who shall disregard or violate their [these] laws; that they shall meet annually at or near the close of each collegiate year, and at such other times as they may choose, either by adjournment or on a call of the president of the board, at the request of any three members.

Sec. 2. That the said board of trustees and their successors in office shall have power to establish and carry on, at or near the city of New Albany, county of Floyd, an institution for the education of youth, and others of riper years, under the name of the "Ayers University," to appoint a president, secretary, and treasurer, together with such other officers and agents as they may think necessary for the proper management of the institution, to assign their several duties, to limit their terms of service and the same to remove at pleasure, to adopt such regulations not contrary to the constitution and laws of the United States, and the constitution and laws of this State, as they may deem necessary; to use a common seal, and the same to alter or renew at pleasure; to establish in the institution colleges or departments for the instruction of the students thereof, in any or all of the branches of polite, liberal, or professional learning; to determine the course of studies and the same to alter at pleasure, particular regard being had to the several studies belonging to a thorough literary, scientific, or professional course, as the same are taught and pursued in other approved institutions, or as in the judgment of the trustees shall be best adapted to prepare the students for any station, business, or profession in life; they shall also have power to establish a normal department, for the instruction of teachers, and such other department or departments not embraced in the preceding provisions, as they shall deem important to the progress of the arts and sciences, or the general diffusion of useful knowledge.

Sec. 3. That the said trustees and their successors in office shall have power to appoint a faculty or faculties in any or all of the colleges or departments provided for in the preceding section, and the

president or presidents, professors and tutors so appointed, shall conduct the instruction and government of the institution in their several colleges or departments, subject in all respects to such regulations and restrictions as the board of trustees may establish; that each faculty, with the consent and concurrence of the board, may confer all such degrees in the liberal sciences, arts, and professions, as may properly emanate from the college or department to which such faculty belongs, agreeably to the nature of the case and the usages of other colleges, universities, and professional schools, and diplomas or certificates of the same shall be signed by the members of the faculty by which the degree is conferred, together with the president and secretary of the board of trustees, and authenticated by the common seal of the University: *Provided*, That no such degrees be conferred upon any person who shall not have made such attainments in learning as are recognized [required] by other colleges and universities in the United States; honorary degrees may likewise be conferred by the board of trustees at their discretion, subject to the same provision as the last above named.

Sec. 4. That the said trustees and their successors in office shall be, and they are hereby made capable in law by the name and style of the "Ayers University," to purchase, receive by donation, possess, sell, lease, or otherwise manage or dispose of any lands, tenements, or other hereditaments not yielding an annual income above twenty thousand dollars, exclusive of the grounds and buildings for the use of the institution; also any moneys, notes, bonds, stocks, subscriptions, goods, chattels, devises, or other property as they may at any time deem fit; to contract and be contracted with, to sue and be sued, to plead and be impleaded, in any court or courts, before any judge, judges, or justices, within the State or elsewhere, in all manner of suits, complaints, pleas, causes, and demands of whatever kind or manner they may be, and every other thing therein to do, in as full and effectual a manner as any other body corporate or politic in the State may do.

Sec. 5. That if the theological seminary referred to in the preamble to this act shall be removed from New Albany, or if the directors thereof shall deem it inexpedient to conduct the said seminary any longer in that place, then all the powers, rights, privileges and obligations now vested in or devolving upon the directors and trustees of the said seminary shall accrue to and be vested in the trustees of the Ayers University as fully as they are now possessed and enjoyed by the two former boards, and the latter are hereby authorized to receive from the former a transfer of their trust and of every species of property and evidences of property which they may possess, whether in stocks, bonds, notes, subscriptions, or in any other form, as fully as they are now possessed by them, and in case of the neglect or refusal of the said board or boards to make such transfer, or if for any other cause such a transfer may be

deemed inexpedient, the trustees of the Ayers University shall have power to perpetuate the board of trustees of the said New Albany Theological Seminary in the same manner as is now done by the board of directors, and they shall sustain in all other respects the same relation to the trustees of the said seminary as is now sustained by the said directors, and on the occurrence of the event herein supposed, it shall be the duty of the trustees of the Ayers University to appropriate as far as practicable all moneys, invested funds, notes, bonds, and all other property which may then be in the hands of the trustees of the said seminary, or which may thereafter be received by them, to the use or uses for which they were contributed by their respective donors, to which end they may at their discretion either carry on and sustain with said funds, &c., a Theological department in connection with the University, the professors in which department shall be appointed with the approbation and concurrence of the General Assembly (old school) of the Presbyterian Church in the United States, or they may establish in the University a Professorship of Biblical Literature and Sacred History, and appoint thereto and sustain a competent professor, who shall be an ordained minister in good standing of the Presbyterian Church as above designated, and the remaining part of the income (except the seminary grounds and buildings thereon which may be used and occupied by the trustees in the same manner as the other University grounds and buildings,) shall be applied to purchase a library and apparatus, and otherwise to increase the facilities for a thorough education in the different branches of learning taught in the institution, and also to aid talented and worthy young men, especially candidates for the gospel ministry of the Presbyterian church and teachers of common schools and academies, in their academical, collegiate, and normal course, not exceeding from fifty to one hundred dollars per year to each student; the appropriations to be made by the trustees according to their discretion.

SEC. 6. This act is hereby declared to be a public act and shall be construed liberally for every beneficial purpose hereby intended, and no omission to use any of the privileges herein granted shall cause a forfeiture of the same, nor shall any gift, grant, conveyance, or devise to or for the use of the institution be defeated or prejudiced on account of any misnomer or informality whatever: *Provided*, The intention of the parties be shown beyond a reasonable doubt.

SEC. 7. This act shall take effect and be in force from and after its passage, from which time the charter of Anderson's Collegiate Institute, *alias* the Anderson University, for which the charter now granted is a substitute, shall be null and void: *Provided, however*, That this act shall not be so interpreted as to vitiate or prejudice any claim or claims created by or on account of the said Anderson's Collegiate Institute, or University, either against or in favor of any

person or persons who may be indebted to the same, or may have assumed pecuniary obligations and liabilities on its account, it being understood and it is hereby declared that the trustees of Ayers University shall be under the same obligations and possess the same powers with regard to their [these] claims as the trustees of the former institution have heretofore been under and possessed.

CHAPTER CCXI.

An act to incorporate the Clinton Draw Bridge Company.

[APPROVED FEBRUARY 13, 1851.]

SECTION. 1. *Be it enacted by the General Assembly of the State of Indiana*, That for the purpose of erecting and maintaining a bridge over the Wabash river at Clinton, in the county of Vermillion, Indiana, John Peyton, William Kile, John R. Whitcomb, Otis M. Conkey, and B. R. Whitcomb, of the county of Vermillion, and W. G. Crabb, and J. R. Yeoman of the county of Parke, and their associates, be, and they are hereby constituted a body politic and corporate, by the name and style of "The Clinton Draw Bridge Company."

SEC. 2. All suits against said corporation for debts, liabilities, and damages, shall be brought, if within the jurisdiction of a justice of the peace, before such justice in the township of Clinton, in the county of Vermillion, and if exceeding the jurisdiction of a justice of the peace, before the circuit court of the county of Vermillion, and in each case such process shall be commenced by summons and shall be served on the president or one of the directors of said company, or by leaving a copy thereof with the keeper of the toll house, which shall be good service, and further proceedings shall be the same as against natural persons.

SEC. 3. The corporation shall have power to purchase and hold any estate, real or personal, necessary for the use of the company to the amount of any sum not exceeding thirty thousand dollars.

SEC. 4. The corporation may erect and maintain a bridge across the Wabash river at the town of Clinton, and they are hereby authorized to construct the same upon any street or road leading to the river in the counties of Parke and Vermillion.

SEC. 5. Said corporation may determine on a plan and estimates for the bridge and fix on its location, also open books and receive subscriptions for stock until a sufficient amount shall be subscribed to warrant the undertaking, and then shall give notice of the time and place for electing seven directors, one as president, one as secretary, and one as treasurer, for the management of the corporation concerns, which shall be published in one or more of the papers in Terre Haute at least ten days before such election.

SEC. 6. The officers so elected shall immediately provide a code of by-laws for the government of the corporation and management of its prudential concerns, and present the same to the company for their adoption, which by-laws, if not repugnant to the laws of the State, and when approved by a majority of the voters, shall become law and be binding on all parties concerned till altered or amended by a vote of any annual meeting thereof.

SEC. 7. The president and directors shall fill all vacancies that may occur in their body; they may sit on their own adjournments or a call of the president, and when the president or secretary are absent the directors may appoint one in their stead.

SEC. 8. At all elections for directors each stockholder shall be entitled to vote in person or by proxy, in manner and form prescribed in the by-laws and according to the following scale: For each share not exceeding ten, one vote; for every two shares above ten and not exceeding twenty, one vote; and for every four shares over twenty, one vote.

SEC. 9. Certificates of stock shall be given to stockholders which shall be evidence of stock held, they shall be signed by the president and secretary; the stock shall be transferrable on the books of the corporation only, but such stock shall at all times be held by the corporation for any delinquency in the payment of any assessment.

SEC. 10. The bridge shall not be less than twenty-four feet wide and of sufficient height from the water for all water crafts, except steamboats, to pass at all times, and for steamboats a sufficient draw shall be constructed not less than fifty-five feet wide, and in the season of their navigation a light shall be placed on each side of the passage, and in case of any unnecessary delay or damage through neglect in allowing steamboats to pass, the said corporation shall be liable to a fine of not less than ten nor more than one hundred dollars, to be recovered in any court of competent jurisdiction for the benefit of the owners of the boat so detained; in the erection of said bridge said company may place in the Wabash river a sufficient number of piers to support said bridge: *Provided*, That the same shall be a sufficient distance apart for the convenient passage of flatboats.

SEC. 11. If any toll-gatherer shall unnecessarily hinder or delay any passenger at the gate, or shall demand and receive more than

legal toll, the said corporation shall forfeit for every such offence the sum of five dollars for the use and benefit of such person or persons as have been thus defrauded or detained.

SEC. 12. If any person shall willfully impair or injure the bridge, such person so offending shall forfeit and pay to the corporation double the costs of repair with damages and costs of suit to be recovered before any court of competent jurisdiction.

SEC. 13. If any person shall forcibly pass the bridge without paying toll, such person so offending shall forfeit and pay to the corporation a penalty of three dollars with costs of suit, to be recovered before any justice of the peace.

SEC. 14. In all actions brought to recover any penalty or forfeiture in and under this charter or the by-laws made in pursuance of this act, it shall be lawful to declare in debt generally for such penalty or forfeiture, stating the section of this act or the by-law under which the penalty or forfeiture is claimed, and to give the special matter in evidence, and the defendant in like manner may plead the general issue to such action and give all matters of defence in evidence under that issue.

SEC. 15. The first procees in any action brought by the corporation for the recovery of any penalty or forfeiture shall be a *capias* or a warrant, and execution may be issued immediately on the rendition of judgment, and all penalties and forfeitures when collected shall be paid into the treasury of said corporation.

SEC. 16. When the bridge shall be completed the corporation may erect gates and demand and receive the following rates of toll, viz: For a four horse or ox team and wagon, sled, or cart, twenty-five cents; for a two horse or ox team and wagon, sled, or cart, twenty cents; for a single horse and wagon, buggy, or sleigh, fifteen cents; for a single horse and cart, dray, or sled, ten cents, and for every additional horse or ox attached, three cents; for each horse and rider, five cents; for every person on foot, three cents; for horses, cattle, asses, and mules, led or driven, per head, two cents; for hogs, sheep, or calves, per head, one cent; for all pleasure carriages and stage coaches drawn by four horses, thirty-five cents; for all pleasure carriages drawn by two horses, twenty-five cents; and in similar proportion for all other kinds of conveyances. These rates of toll shall be painted on a board and set up before the toll-house or some conspicuous place on the bridge.

SEC. 17. The capital stock of the company shall be twenty-five thousand dollars in shares of twenty-five dollars each, but may be increased to any amount not exceeding thirty thousand dollars, if the same shall be necessary to carry out the objects of the company.

SEC. 18. The State gives her assent to a subscription by the trustees of the Wabash and Erie Canal to the capital stock of

the company hereby created; and should said trustees, on or before the first day of December, 1851, make a subscription to the amount of two-thirds the capital stock thereof, and pay the same as other stockholders and subscribers are required to do from time to time as called for, then and in that case the General Assembly of the state of Indiana hereby release the said trustees from any obligation, whatever they may be, to construct the side cut canal at sections 136 or 137, opposite the town of Clinton: *Provided*, That the bridge contemplated in this charter shall be built in a good substantial manner, with stone abutments and piers; the same to be commenced within eighteen months from the passage of this act, and completed within three years from the first day of May, 1851. *And provided further*, That should it not require the full amount of the capital stock to complete said bridge, then and in that case the said trustees shall only be required to subscribe and pay two-thirds the actual cost of the same, or so much thereof as may be necessary, together with individual subscriptions, to complete the same. *And provided further*, That if said trustees do not make a subscription and pay the same as provided in this section, then and in that case this section of this act is to become void and of no effect, but all other sections of this act are to remain in full force.

SEC. 19. The corporation may have and use the writ of *ad quod damnum*, if necessary for the purpose of having condemned a sufficient quantity of ground for the erection of abutments, toll-houses, and all necessary roads to the same.

SEC. 20. This act to take effect and be in force from and after its passage.

CHAPTER CCXII.

An act to incorporate the Patriot and Allensville Turnpike Company.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Eliphalet Case, Jacob R. Harris, A. R. Wells, and Stephen Humphrey, of the county of Switzerland, and their associates and successors, be, and they are hereby constituted, a body corporate and politic, under the name of "the Patriot and Allensville Turnpike Company," and by that name may contract and be contracted with, sue and be sued, plead and be impleaded with, in any court of law or equity, and do and perform all other things necessary and proper to be done by said company in carrying out the object of its creation.

SEC. 2. The capital stock of said corporation shall be forty thousand dollars, divided into shares of twenty-five dollars each, and said stock shall be personal property.

SEC. 3. Said stock may be taken by any individual or individuals, and may be paid for in any kind of personal property or labor as may be agreed upon, and in such way and manner and at such times and places as shall from time to time be directed by said corporation.

SEC. 4. Any two persons named in the first section of this act shall constitute a quorum to do business, and so soon as may be deemed expedient, they shall meet at such time and place as may be agreed upon, and shall proceed to open books for the subscription of stock, and do all other things necessary for the complete organization of the company.

SEC. 5. So soon as may be deemed expedient, after five hundred dollars of the capital stock shall have been subscribed, said commissioners shall appoint a time and place for holding an election for five directors, each of whom shall be a stockholder to the amount of at least two shares. Said commissioners shall in all things manage such election, and give proper certificates to the persons elected, who shall hold their office for one year, and until their successors are elected and qualified.

SEC. 6. At said election, and at each subsequent election, each stockholder shall have one vote for each share held by him up to ten, and one for each five shares above ten.

SEC. 7. The time, place, and manner of holding all subsequent elections, shall be regulated by the by-laws of the company, except that the elections shall be held annually as near as may be.

SEC. 8. So soon as the first board of directors shall have been elected and sworn into office, said commissioners shall deliver over to them the subscription books, together with all other things belonging to the company. Said directors shall choose one of their number to act as president, and shall also appoint a secretary and treasurer, who shall give bond and security for their fidelity in office, which bonds shall be payable to said corporation. Said officers may be removed by said board at pleasure and successors appointed, who shall in like manner qualify. A majority of said directors shall constitute a quorum to do business and to supply any vacancy that may occur in their body.

SEC. 9. Said company shall have power to view, mark, locate, and construct a turnpike or plank road from Patriot to Allensville, in Switzerland county; and said company may construct such parts

of said road of stone and such parts of plank as may be deemed expedient by said company.

SEC. 10. Said company may adopt such rules and regulations, and make such by-laws, as in their judgment the business and affairs of the company may require, and such as are expedient to perform the duties and carry out the powers vested by this act. They shall also have power to appoint officers, agents, engineers, and operatives, and require them or any of them to give such bonds, in such amounts, payable to said company on such conditions as said company shall direct; to enforce the payment of all stock subscriptions at such time and place and in such proportions as may be directed by said company, which payments may be enforced by a forfeiture of the stock to said company or by suit; to issue certificates of stock and to regulate the mode of tranferring the same; to acquire, lease, sell, or dispose of such real estate as shall be for the interest of the company; to enter upon and take possession of all lands and materials necessary for the location and construction of said road, and the keeping it in repair, being accountable to the owners of the land and materials for the reasonable value of the same; to keep said road in repair; to erect, continue, and keep toll-gates on the same; to establish, charge, and collect tolls of all persons using the same, at rates not exceeding the rates charged on the Vevay, Mount Sterling, and Versailles turnpike; to make and declare dividends of profits to the holders of stock, and do all other acts proper to carry out the object of this act.

SEC. 11. If any person or persons shall knowingly injure or obstruct said road, or any thing belonging thereto, such person or persons, on conviction thereof before any court of competent jurisdiction, shall pay to said company twice the amount of damage done, and costs of suit.

SEC. 12. Plain and accurate accounts of the receipts and expenditures of said company shall be kept by said company, which shall be subject to the inspection of any and all of the stockholders at any time.

SEC. 13. The service of legal process on the president [and] treasurer of said company shall be sufficient service on the said company.

SEC. 14. The signature of the president, attested by the secretary, shall be full evidence and authentication of any act of the company, unless the by-laws of the company require a different authentication.

SEC. 15. Said company shall begin the construction of said road within two years, and complete it within ten years from the passage of this act, or this charter shall be forfeited.

SEC. 16. The several stockholders and their private property shall be liable for the debts of the corporation.

SEC. 17. This act shall be in force from and after its passage.

CHAPTER CCXIII.

An act to revive an act entitled "an act to incorporate the Milton and Waterloo Turnpike Company."

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That an act entitled "an act to incorporate the Milton and Waterloo Turnpike Company," approved February 11, 1848, be, and the same is hereby revived and declared to be in full force, and all laws and parts of laws repealing said act or any part thereof, be and they are hereby repealed.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCXIV.

An act to legalize the sale made for delinquent taxes at the Mayor's office, in the city of Fort Wayne, on the 3d and 4th days of February, 1851.

[APPROVED FEBRUARY 12, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all sales of town lots, or parts of lots, or other property sold for city taxes, at the mayor's office in said city of Fort Wayne, Allen county, Indiana, on the 3d and 4th days of February, 1851, be, and the same are hereby legalized and made as effectual as if they had been sold at the court house in said city.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCXV.

An act to enable John Travis, of Laporte county, to prosecute a suit for a divorce.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That John Travis, of Laporte county, be, and he is hereby authorized to file his petition for a divorce against his wife in the Laporte circuit court, without having resided a year in this State, and after the filing of said bill or petition, may proceed to the publication of notice and the taking of depositions as in other cases.

SEC. 2. The said cause shall be heard and determined, except that it shall not be necessary for the said John Travis to allege in said bill nor to prove on the hearing of said cause that he had resided one year in the State previous to the filing of said bill.

SEC. 3. This act shall take effect and be in full force from and after its passage. And all laws and parts of laws contravening the provisions of this act are hereby repealed, so far as this act is concerned.

CHAPTER CCXVI.

An act to incorporate the Philalethean Society of Hanover College.

[APPROVED FEBRUARY 14, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the of State Indiana*, That G. A. Irwin, W. Wilson, S. C. Dunn, D. Brown, Charles Lee, John H. McRae, their associates and successors are hereby constituted a body politic and corporate to be known by the name and style of the Philalethean Society of Hanover College, and by said name shall have power to sue and be sued, to contract and be contracted with, and to hold such personal and real estate as may be necessary for the legitimate purposes of said association in their efforts for mutual improvement in literature and science, and in the establishment of a library, the granting of rewards or diplomas to such of their members as they may deem proper; the holding of

scholarships, and the doing and performing of all things necessary for such purposes not inconsistent with the laws of this state, to use a seal, and alter it at their pleasure, and to enjoy all the rights and privileges conferred upon incorporated companies by article 2, chapter 32, of the revised statutes of 1843.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCXVII.

An act to amend an act entitled "an act to incorporate the Ohio and Indiana Railroad Company," approved January 15, 1851.

[APPROVED FEBRUARY 12, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the words "clerk of the court of common pleas," wherever they occur in an act passed by the legislature of the State of Ohio on the 20th day of March, A. D., 1850, entitled "an act to incorporate the Ohio and Indiana Railroad Company," shall be construed and taken to mean the clerk of the circuit court of the proper county, so far as the State of Indiana is concerned.

CHAPTER CCXVIII.

An act declaring a certain name a misprint.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the name of Harrison, in the first section of the act entitled "an act declaring Calumic river a public highway," approved January 16th, 1850, is hereby declared a misprint; and that the words "Cherry Mills," were intended to be "Cheney and Herris Mills."

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCXIX.

An act to authorize the County Surveyor of Miami county to re-survey the town of Mexico, in said county.

[APPROVED FEBRUARY 14, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the county surveyor of the county of Miami is hereby authorized and empowered to survey and re-locate the town of Mexico, in said county of Miami, commencing at some adjacent section corner, and survey said town as near upon the old survey as he can, from the best evidence that he can produce, and he is hereby authorized to administer all necessary oaths for that purpose.

SEC. 2. The owners of lots in said town are hereby required to pay for such survey and plat, and recording the same in proportion to the value of their respective lots.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CCXX.

An act to authorize Joseph Morrow, Silas Parks, and Robert Wilson, commissioners appointed by the Grant Probate Court, to sell the real estate of William Wallace, deceased, at private sale.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Joseph Morrow, Robert Wilson, and Silas Parks, commissioners appointed by the Grant probate court for the purpose of making sale of the real estate of which William Wallace, late of said county, died seized, be, and they, or a majority of them, are hereby authorized and empowered, as such commissioners, to sell the real estate of the said William Wallace, deceased, or so much as the Grant probate court may direct, at private sale, for any sum or price not less than its full appraised value.

SEC. 2. The said commissioners shall in all other respects be governed by the rules and regulations of the laws now in force governing sales of real estate by commissioners.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CCXXI.

An act to legalize certain roads in Clinton County.

[APPROVED FEBRUARY 11, 1851.]

WHEREAS, Doubts are entertained as to the legality of certain roads in Clinton county; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all roads that have been laid out and opened or surveyed by order of the board of commissioners of the county of Clinton as public highways and are upon record in the auditor's office of said county, shall be deemed and taken in all the courts of this State to be legal highways, in the same manner and to the same extent as if all the acts and proceedings in regard to the application for laying out, surveying, opening, and recording the same had been regular and legal at the time of the doing thereof: *Provided*, Said roads have been opened within six years from the time of the laying out of the same.

SEC. 2. This act to take effect and be in force from and after its passage, and all laws or parts of laws coming in conflict with the provisions of this act be and the same are hereby repealed so far as relates to the county of Clinton.

CHAPTER CCXXII.

An act to relocate the State Road between Paoli, in the county of Orange, and Troy, in the county of Perry.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Arthur J. Simpson, John Baker, and William Gillett, of the county of Orange, be, and they are hereby appointed commissioners to change or relocate so much of the State road between Paoli, in Orange county, and Troy, in Perry county, as lies in the county of Orange; and in making such change or location they

shall view, mark, and locate said road on the nearest and best route, wherever they may deem the same expedient and proper.

SEC. 2. That said commissioners shall meet at the house of Arthur J. Simpson, in Paoli, on the first Monday in May, 1851, or at any time thereafter, upon which they shall agree, and after taking an oath or affirmation faithfully and impartially to discharge their duties, shall proceed to make the change provided for in the preceding section, and shall view, mark, and locate said road; and it shall be the duty of said commissioners to have said road relocated and opened in pursuance of an act entitled "an act to review and consolidate the several acts of the General Assembly relative to laying out, opening, repairing, changing, and vacating public highways, and the erection and repair of bridges, and to amend the same," approved January 16, 1849.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CCXXIII.

An act supplementary to the act for the relief of John L. Gerke, passed at the present session of the General Assembly.

[APPROVED FEBRUARY 14, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the secretary of state be required to make the deed mentioned in said original act to John H. L. Gerke and Ferdinand Myers in the place of Frederick Myers, whose name was inserted in said act by mistake.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCXXIV.

An act to amend an act entitled "an act to amend the Ohio, Indiana, and Lake Michigan Railroad Company," approved January 17, 1849.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the names of John R. Bowes, George Ames, of Michigan City, William C. Hanna and Oliver P. Ludlow be added to said charter.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCXXV.

An act in relation to the county debt of Scott county, and authorizing the County Commissioners of said county to borrow money for certain purposes.

[APPROVED FEBRUARY 11, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board of commissioners of Scott county, for the purpose of purchasing or redeeming the county orders of said county, are hereby authorized to borrow money not exceeding ten thousand dollars in amount, at any rate of interest not exceeding ten per cent. per annum.

SEC. 2. For the purpose of securing the payment of the money so borrowed, it shall be lawful for said county commissioners to issue the bonds of the county, the principal and interest of which may be payable at such times as the parties may agree upon, so that the time for paying the principal shall not be less than five nor more than twenty-five years from the date of the bonds.

SEC. 3. The bonds so to be issued shall be issued on the order of said county commissioners, signed by the auditor and countersigned by the treasurer, and shall be assignable and negotiable by endorsment thereon, so as absolutely to transfer and vest the property thereof in each and every indorsee successively.

SEC. 4. It shall be the duty of the board doing county business in said county, to make provision for the payment of the money so

borrowed with the interest thereon, according to the terms and conditions of said bonds, and may assess any tax necessary for that purpose, without regard to the present limit of the county tax in said county; but nothing in this act shall be construed as repealing said limitation, except for the purpose mentioned in this section.

SEC. 5. It shall be the duty of the auditor of said county, within fifteen days after each session of the board of commissioners of said county, to make out a statement of the allowances made at such term, showing clearly and specifically in whose favor each allowance was made, what it was for, and the amount thereof; a copy of which he shall cause to be posted up in some conspicuous place in the county treasurer's office, and also a copy in each of the towns of Vienna and Frankfort, and allowances made at any term of the circuit court of said county shall in like manner be stated and posted up by the clerk of said court.

SEC. 6. It shall not be lawful for said board or court to allow any claim against said county, unless they are clearly of opinion it is a legal and just claim against the county, nor unless its correctness be vouched for by the oath of the person making it. Any tax payer in said county shall have the right to appear as agent or attorney for the county for the purpose of resisting the allowance of any claim which such tax payer may deem unjust.

SEC. 7. This act to be a public act, and to be in force from and after its passage.

CHAPTER CCXXVI.

An act to amend the charter of the town of Dublin, in Wayne county.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the corporate limits of said town of Dublin, for the purposes of police and taxation, be extended so as to commence twenty-eight and a half rods north of the north-east corner of the present limits of said town, thence west to the point of intersection with Johnson street, thence south along said street to the alley adjoining on the north James Vanuxon's, jr. lot, thence west to the county [road] adjoining Paul Custer's lot on the west, thence south along said road until it intersects Maple street, where the

same shall be extended to said road, thence east to and along said Maple street to Davis street, thence south along said Davis street to the south line of academy lot, thence east along said south line to Milton street, thence north to Maple street, thence east along Maple street to Bridge street, thence north to spring street, thence east to lot No. 15, Witt's addition, thence north to a line running parallel with the town plat, which would intersect Harrison street, thence west along said line to the present town plat, thence north to the place of beginning.

SEC. 2. The trustees of the said town are hereby authorized to cause to be opened a street to be called Franklin street, sixty-six feet wide, running parallel with the present town plat, and having for its southern boundary the east and west line first described and mentioned in this act; and the said trustees are also authorized to extend Maple street to the county road in this act mentioned, bounding the west end of said plat, and may also extend the same east to Bridge street.

SEC. 3. It shall be lawful for the president and trustees of said town to assess all the property in said town subject by law to taxation, and levy a tax thereon upon the ad valorem principle, and may levy and collect the same in the manner now prescribed by law, and may expend the tax when so collected, in the improving of the streets and sidewalks in said town, and may otherwise appropriate the same for the use of said town as said trustees may think most for the interest of the town.

SEC. 4. This act shall be in force from and after its passage.

CHAPTER CCXXVII.

An act to extend the Terre Haute and Alton Railroad.

[APPROVED FEBRUARY 11, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Terre Haute and Alton Railroad Company, as chartered by the legislature of the State of Illinois, and approved of January 28, 1851, and by and under an act to provide for a general system of railroad incorporations in said State, in force November 6, 1849, be permitted to extend their said railroad from the eastern line of the State of Illinois, through the State of Indiana, to the city of Terre Haute and into the same, and that said corpora-

tion shall have all the rights, powers, and privileges in taking land and doing all things necessary to carry on and maintain their railroad perpetually as granted to said corporation by the above acts by the legislature of the State of Illinois.

SEC. 2. Said company shall have power and it is hereby authorized to construct a bridge across the Wabash river at or near Terre Haute, of sufficient strength and capacity for the crossing of the same, of all engines, locomotives, cars, and machinery of said company used or to be used on said road; but in the construction thereof, said company shall make a good and convenient draw therein for the passage of all steamboats, of not less than sixty feet in width in the channel of the river, and shall cause the same to be opened for the passage of all steamboats at the proper cost and expense of said company: *Provided always*, Said company shall be liable for damages to any steamboat or other water craft navigating said river, for any unnecessary detention or damages occasioned by the improper construction or management of said draw; and said company shall and may erect a sufficient number of piles in said river for the support of said bridge: *Provided*, That said bridge shall be of sufficient height and the piles apart of sufficient width for the passage of all flatboats: *And further provided*, That the said company suffer and permit the Terre Haute and Richmond Railroad company and any other railroad company to cross upon the said bridge with their cars, locomotives, and trains, and use the same in the same manner that the Alton and Terre Haute Railroad Company may do: *Provided*, That the said Terre Haute and Richmond Railroad Company or other railroad company shall, before they or either of them have the use of said bridge, pay to the owners thereof the just and equal proportion of the cost of said bridge, so that the parties shall be equal proprietors thereof, and the parties, owners of said bridge, shall be at the equal expense in the maintaining of said bridge and keeping the same in repair.

SEC. 3. This act shall be in force from and after its passage.

CHAPTER CCXXVIII.

An act to amend the act entitled "an act to incorporate the town of Troy, in Perry county," approved January 21, 1850.

[APPROVED FEBRUARY 14, 1851.]

SECTION. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the act entitled "an act to incorporate the town of Troy, in Perry county," approved January 21, 1850, be, and the same is hereby decreed [declared] to be in full force; and it shall be lawful for the qualified voters in said town to meet as in the second section of said act is provided, on the first Monday of June next, and as is in said second section provided, hold an election for the officers in said section mentioned; and this act shall be in full force from and after its passage, and it shall be published in the Indiana State Sentinel and Indiana State Journal.

CHAPTER CCXXIX.

An act for the relief of Peter Helphenstine, a purchaser of school lands.

[APPROVED FEBRUARY 13, 1851.]

WHEREAS, It is represented to this General Assembly, that Thomas Allen of the county of Daviess, on the 3d day of November, A. D. 1838, purchased of the school commissioner of said county, the west half of the north east quarter of section No. sixteen (16,) being a part of the school section belonging to, and situated in congressional township No. one north, of range five (5) west, of said county, for the sum of one hundred and sixty dollars, of which amount he paid forty dollars, being one fourth part in advance, and also, the sum of seven dollars and twenty cents, being one year's interest in advance upon the residue, and the residue being payable in ten years thereafter with six per cent. interest annually in advance, and that a certificate of the purchase of said land was thereupon issued, and delivered by said school commissioner to Thomas Allen in due form of law, and after-

wards, to-wit: on the 12th day of April, A. D. 1839, said certificate and all title to said lands under the same were duly assigned and transferred to one James Helphenstine, and by the said James Helphenstine, afterwards, to-wit: on the 17th day of September, A. D. 1840, the same were duly assigned to Peter Helphenstine, then of said county of Daviess, but now of said county of Martin, and that by virtue of which, the said Peter Helphenstine became entitled to all the benefits arising from said purchase, and all payments made in pursuance thereof;

And whereas, The said Peter Helphenstine afterwards in two payments paid the sum of fourteen dollars and forty cents in full of all interest up to November 3d, 1841, and made valuable improvements on said land;

And whereas, The said Peter Helphenstine, owing to pecuniary embarrassment, was wholly unable to make any further payments on said land, and by reason of which, said purchase, and all payments made in pursuance thereof, and improvement on said land, became forfeited to said congressional township;

And whereas, It is the opinion of this General Assembly, that relief ought to be granted in the premises, therefore,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the proper officer or officers of said county of Daviess, be authorized to re-expose said tract of land to sale at any time, in the manner provided for in such cases by the general laws in force in this State and in the event that the said Peter Helphenstine shall become the purchaser of said land, he shall be entitled to a credit on his new purchase, for the the amount without interest so paid as above recited by him, and those under whom he claimed on said original purchase, being in all the sum of sixty-one dollars and sixty cents, upon surrendering said original certificate or making proof by affidavit or otherwise of its loss or destruction, which shall be applied to the advance payment on said new purchase, and in the event it shall exceed the same, then it shall be deducted from the remainder of the sum for which the same may be sold, and the amount then remaining shall be divided in equal installments according to the terms of said new sale.

Sec. 2. In the event that any person, other than the said Peter Helphenstine, shall become the purchaser as aforesaid, then said sale shall in all things as far as practicable, be governed by the general laws now in force in relation to school lands: *Provided*, That said new sale shall not affect any lease which may be held on said land, but the benefits of any such lease, if there be any, shall inure to the purchaser thereof.

Sec. 3. This act shall be in force from and after its passage.

CHAPTER CCXXX.

An act to extend a certain road therein named.

[APPROVED FEBRUARY 13, 1851.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That there be and hereby is created and established, a certain road or public highway of the breadth of forty feet commencing, running and terminating as follows, viz: commencing at the north-west corner of section number twenty-five (25,) in township number twenty-two north, of range number five (5) west, running thence east on the section line, dividing sections twenty-four and twenty-five, in township and range aforesaid, until it intersects the county road leading by William Harper's dwelling house and Holloway's mill to Lafayette, in the county of Tippecanoe; said section line dividing sections twenty-four and twenty-five aforesaid, to be the centre of said road or highway hereby created and established; it is hereby made the duty of the supervisor of the road district in which said road hereby established is situate, to open and work said road hereby erected.

Sec. 2. Should any person or persons feel aggrieved by the passage of this act, such person or persons may, within sixty days from the passage of this act, and not thereafter, apply to the board of commissioners of said county of Tippecanoe, praying that said board may appoint three freeholders of said county, to appraise and assess the damages of such aggrieved party or parties thus petitioning, and it shall be the duty of such board to appoint such freeholders of said county, to appraise and assess the damages sustained by such party or parties, by the appropriation of his or their land for said road, and such freeholders shall make an award and return the same to said board, upon which award said board of commissioners shall render judgment for the amount of damages in favor of such party or parties aggrieved, against the party or parties opposing such award, and in case of such petition or petitions being filed within sixty days from the passage of this act, such road shall not be opened or worked until such damages shall be fully paid into the treasury of said county for the use of such aggrieved party or parties, but in case no petition as aforesaid is filed within the time aforesaid, then it shall be the duty of the supervisor in the road district in which said road hereby erected is situate, to open and work the same, and in case of neglect of any such supervisor of said district to open and work the same; such supervisor shall be liable by indictment for neglect of official duty, and punished in the same manner and to the same extent as supervisors of road districts are by law liable to be

punished, for neglect of duty in not opening and working highways in their districts by law established; appeals may be prosecuted by either party feeling aggrieved, from the judgment of said board of commissioners to the circuit court of Tippecanoe county.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CCXXXI.

An act to locate a State Road between the counties of Tipton and Howard.

[APPROVED FEBRUARY 14, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Joseph Skean and Corydon Richmond, of Howard county, and Thomas Hutto, of Tipton county, and State aforesaid, be, and they are hereby appointed commissioners to view, mark, and locate a State road as follows: Beginning on the county line dividing the said counties of Howard and Tipton and running west with or on said line until it intersects the county road leading from Kokomo, in Howard county, to Michigan town, in Howard county.

SEC. 2. That said commissioners shall meet at the house of ————, in the county of ————, on the first Monday in July, 1851, or at any time thereafter upon which they shall agree, and after taking an oath or affirmation faithfully and impartially to discharge their duties, shall proceed to view, mark and locate said road; and it shall be the duty of said commissioners to have said road opened in pursuance of an act entitled "an act to review and consolidate the several acts of the General Assembly relative to laying out, opening, repairing, changing, and vacating public highways, and to the erection and repairing of bridges, and to amend the same," approved January 16, 1849, and the several acts amendatory of said act.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CCXXXII.

An act for the relief of persons who have suffered by the destruction of the Justice's docket of Joseph F. Marshall, a justice of the peace of the county of Hancock, on the 24th day of December, 1850.

[APPROVED FEBRUARY 13, 1851.]

WHEREAS, On the 24th day of December, 1850, the justice's docket of Joseph F. Marshall, a justice of the peace of Hancock county, was destroyed by fire;

AND WHEREAS, Many persons are likely to sustain loss in consequence thereof, therefore for the relief of such persons;

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That for the purpose of perpetuating testimony, relating to any judgment or other proceedings recorded in said justice's docket so destroyed, it shall be lawful for any person holding any judgment against another, which had been entered on said docket, who may wish to perpetuate the same, to cause a notice to be served on the judgment defendant or defendants, as the case may be, notifying him or them, that on a certain day he will make application before said justice to produce proof of the existence of such judgment, the date and amount thereof, together with every matter touching the same, which notice shall be served on such defendant, at least ten days previous to the time of making such application, by any constable or any disinterested person, who will make affidavit of the fact of service, and upon proof of the service of such notice, said justice shall proceed to hear evidence touching such judgment as may be adduced by the parties before him, of which he shall make a record on his docket, and such further proceedings may be had touching the same, as may be deemed necessary, and proper to secure the rights of all concerned.

SEC. 2. During the progress of any investigation as aforesaid, the parties shall have the liberty of examining each other under oath, touching any matter concerning such judgment or other proceeding and the payment or satisfaction thereof.

SEC. 3. It shall also be lawful for any of the parties concerned, if they should desire so to do, to call on said justice, Marshall, to state any fact within his knowledge, as to the existence of any judgment or proceeding had before him, and of any fact which may have transpired before him at the time such judgment was rendered, or proceeding had, which he shall also record with other testimony adduced before him by the parties.

SEC. 4. The record of any such judgment, or other proceeding,

when taken before said justice in the manner aforesaid, shall be deemed to possess the same force and validity, as the original judgment or proceeding might have had.

Sec. 5. If either of the parties to such proceeding, shall consider himself aggrieved by the decision or proceedings of said justice, had in any such case, he shall have the right of appeal, to the circuit court of Hancock county, upon entering into bond and security as provided in other cases of appeal, of the taking of which appeal he shall duly notify the opposite party.

Sec. 6. This act shall be in force from and after its publication in the Indiana State Journal and Indiana State Sentinel.

CHAPTER CCXXXIII.

An act to incorporate the Aurora Hotel Company.

[APPROVED FEBRUARY 13, 1851.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That all persons who shall become stockholders pursuant to this act, are hereby created a body corporate, by the name and style of "The Aurora Hotel Company," and by that name shall be capable of contracting and being contracted with, suing and being sued, and of exercising all the powers necessary to carry into effect the purposes contemplated by this act.

Sec. 2. The capital stock of said company shall not exceed fifty thousand dollars, to be divided into shares of fifty dollars.

Sec. 3. The said company shall have power to purchase, acquire and possess such real estate and personal property as may be necessary, or convenient, for the purpose of constructing, furnishing and keeping a Hotel in the city of Aurora, in Dearborn county, and for all purposes therewith connected.

Sec. 4. The said company shall have power to erect all necessary buildings for the purpose aforesaid, and to lease or rent the same, and rent any rooms in said hotel for any other purpose.

Sec. 5. The stock of said company shall be transferrable only on the books of the company, and shall be deemed personal property.

Sec. 6. Said company shall have power to borrow such sums of money, as may be necessary, or convenient, for the purpose aforesaid, and to execute such bonds, mortgages or other security for the

re-payment thereof, as may be agreed upon between the parties, also to effect such insurance on the property owned by said company, as may deemed proper.

Sec. 7. That Thomas Graff, Peter B. Vail, Oliver P. Cobb and Samuel I. Hoald, be appointed commisioners under this act, any two of whom as soon as may be deemed expedient, may open books in the city of Aurora, for subscription to the stock of said company, and as soon as one hundred or more shares of said stock shall be subscribed for, said commissioners or any two of them, shall give notice by publication, in some newspaper of said city, of the time and place of electing directors for said company, which election shall be held in said city, under the direction of said commissioners or any two of them, at which election five directors shall be elected by the stockholders of said company, each stockholder being entitled to one vote for every share of stock he may own, to be given in person or by proxy, and the five persons (being stockholders,) receiving the highest number of votes shall be elected directors for said company, for one year and until their successors are elected, and an election for not more than five nor less than three directors, as the by-laws of said company may prescribe, shall be held once in each year, at such time and place, and shall be regulated in such manner as the by-laws of said company may designate, the said directors shall elect a president from their own body, and a secretary and treasurer either of their own body or not as they may choose, from whom they may require such bond and security as may be deemed expedient.

Sec. 8. Said directors shall have power to require the payment of the stock subscribed, in such sums, and at such time, as they may deem proper, and may enforce the payment thereof by suit, or may declare the stock of any subscriber and all payments thereon forfeited to said company, for failure to make final payment thereof, and such directors may keep the books open for the subscription to the stock of said company, until the whole is subscribed for, and said directors shall from time to time declare such dividends of the capital stock as they may deem expedient.

Sec. 9. The directors of said company shall have power to adopt such by-laws, rules and regulations, as may be necessary to carry out the purposes contemplated by this act.

Sec. 10. In the event of said company becoming insolvent, the stockholders thereof shall be individually liable for the debts of the company.

Sec. 11. This act shall be in force from and after its passage.

CHAPTER CCXXXIV.

An act to amend the charter of the Evansville and Illinois Railroad Company.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That a majority of the directors of the Evansville and Illinois Railroad Company shall constitute a board for the transaction of business.

SEC. 2. In case any land owner shall feel aggrieved by the location and construction of said road as heretofore made, or which may be hereafter made over his or her land, or for entering thereon and taking the necessary materials for the construction thereof, and the company have failed to have his or her damages assessed as provided for by their charter, such land holder shall have the right to file his or her complaint before some justice of the peace of the county in which such lands are situate, at any time within two years from the survey and location of said road over such land, stating therein the grounds of complaint, thereupon such justice of the peace shall issue a notice to the president and directors of said company, which shall be returnable within ten days, and shall also cause a jury to be summoned, as provided in the ninth section of the charter of said company, to assess said damages, who shall take the same oath and be governed by the same rules in assessing damages as in said section is specified, and an appeal may be taken by either party to the circuit court of the proper county within thirty days, as in said section is provided, such appeal to be governed in all respects as pointed out in said ninth section; the provisions of said section of the charter aforesaid and of this section shall be deemed and taken to embrace all cases where damages are claimed for water stations: *Provided*, That said railroad company may in like manner as is provided for in this section file a written complaint before a justice of the peace against any person or persons interested therein for the purpose of having such road way condemned and damages assessed as herein provided.

SEC. 3. All notices to be given in proceedings under the charter against others may be served by a constable or the sheriff of the proper county, or in case of non-residents, by written or printed notices, one of which shall be posted up in the clerk's office and another at the court house door for at least thirty days prior to the day of trial or other proceedings, which notices shall be posted up by the justice of the peace before whom such proceedings are had or cause is pending, upon the filing of an affidavit before said justice of such non-residency, naming the defendants or stating that

they are unknown, and guardians *ad litem* may be appointed by the justice of the peace or other courts in proceedings under the charter.

SEC. 4. It shall be lawful for said corporation to borrow money at any rate of interest, not exceeding seven per cent. per annum, as may be agreed upon, and to pledge such security for the redemption of such loan as the creditor and said company may contract for, and may issue bonds for the purpose of raising money or procuring iron or other materials for the construction and use of said road, and may sell or dispose of such bonds upon such terms as may be agreed upon, and if such bonds shall be sold at a discount such sale shall be as valid as if sold at their par value: *Provided*, That said corporation shall not issue any bond of a less denomination than one hundred dollars.

SEC. 5. The eleventh section of an act entitled "an act to amend the charter of the Evansville and Illinois Railroad Company," approved January 21, 1850, be and the same is hereby repealed.

SEC. 6. This act shall be deemed and taken as a public act, and may be given in evidence under the general issue, and shall be in force from and after its passage.

CHAPTER CCXXXV.

An act to vacate a certain street in the town of Crawfordsville.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of North street as lies between Green street and Washington street, in the town of Crawfordsville, in Montgomery county, be and the same is hereby vacated.

SEC. 2 This act to take effect and be in force from and after its passage.

CHAPTER CCXXXVI.

An act to authorize the board of commissioners of Putnam county to issue bonds.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That whenever the board of commissioners of the county of Putnam shall take and subscribe any amount of stock not exceeding fifty thousand dollars to the Terre Haute and Richmond Railroad Company as provided for in the twenty-sixth section of the original charter of said company it shall be lawful for the board doing county business for said county to issue the bonds of said county to the full amount of stock so subscribed on behalf of said county of not less than one hundred dollars each, payable to said Terre Haute and Richmond Railroad Company, or bearer, and at interest of not exceeding six per cent per annum, to be delivered to said company in payment for an equal amount of the capital stock in said company instead of money.

SEC. 2. *Be it further enacted*, That it shall be lawful for the said board of county commissioners, at their discretion, to take and subscribe stock to the Crawfordsville and Wabash Railroad Company and to the New Albany and Salem Railroad Company, in equal proportions, to any amount not exceeding the amount taken and subscribed to the Terre Haute and Richmond Railroad Company, whenever such roads or either of them shall be located to Greencastle, in said county.

SEC. 3. Whenever the stock mentioned in the foregoing section, or any part thereof shall be so subscribed, it shall be lawful for the board of commissioners of said county of Putnam to issue the bonds of said county in like manner as is provided for in the first section of this act in the case of the Terre Haute and Richmond Railroad Company, payable to the Crawfordsville and Wabash Railroad Company, or bearer, or to the New Albany and Salem Railroad Company, or bearer, as the case may be, to be delivered to said company or companies, as the case may be, in payment for an equal amount of the capital stock in said company or companies instead of money.

SEC. 4. It shall be the duty of said county board, whenever any of the said bonds shall be issued, to provide for the payment of the yearly interest thereon by a tax to be assessed and collected in the same manner that other taxes are assessed and collected for county purposes, and shall cause the same to be paid from time to time, whenever due according to the terms of the bonds.

SEC. 5. *Provided however*, That this act shall not take effect and be in force until it shall first be submitted to the qualified voters of

said county of Putnam, and in order to take the sense of the majority of the voters of said county, it shall be the duty of the inspectors of the several townships in said county at the next April election to propound to each voter when he presents his ticket the following question: Are you in favor of the county taking railroad stock? The answer shall be entered opposite the name of each voter on the poll book in separate columns prepared for that purpose by the clerks of such elections.

SEC. 6. It shall be the duty of the judges and clerks of the elections in the several townships in said county to make returns of the result of such vote to the county auditor in the same manner that other election returns are made, and it shall be the duty of the auditor to lay the same before the board of county commissioners at their next term thereafter, and if a majority of the votes cast shall be in favor of taking stock, then it shall be lawful for the board of commissioners to carry into effect the foregoing sections of this act.

SEC. 7. This act to take effect and be in force from and after its passage, and it is hereby made the duty of the secretary of state to forward a certified copy of this act to the clerk of the Putnam circuit court.

CHAPTER CCXXXVII.

An act providing for the election of three School Commissioners in township No. 12 north, of range No. 11 east, in the counties of Franklin, Rush and Decatur.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it may and shall be lawful for the qualified voters of the township aforesaid on the second Monday in April next and every third year thereafter, to meet in the town of Andersonville in said township, for the purpose of electing three school commissioners from among the qualified voters of the same, which election shall be conducted in all respects as is provided in the law regulating general elections.

SEC. 2. The commissioners so elected, before entering upon the duties of their office, shall give bond payable to the State of Indiana,

for the use of schools in said territory in the penal sum of six thousand dollars with three freehold securities to be approved by the board of commissioners of the county of Rush, conditioned for the faithful discharge of the duties of their office and for the paying over to their successors in office all the money that they may receive by virtue of their office, which bond shall be filed with the auditor of said county of Rush, and a copy of said bond shall be filed in the auditor's office of the county of Franklin, also in the county of Decatur, and they shall also take an oath for the faithful performance of their duties; said commissioners shall receive as a compensation for their services one dollar per day for each day they may be necessarily employed in the discharge of their duties, which compensation shall be paid out of the school fund of said township; and they shall elect one of their number whose duty it shall be to act as treasurer, and they shall hold their office for the term of three years from the time of their election and until their successors are elected and qualified: *Provided*, They are guilty of no misdemeanor.

Sec. 3. The commissioners aforesaid in the dischare of their duties and exercise of their powers, shall be governed by the laws regulating the duties and powers of school commissioners in the several counties of this State; and it shall be the duty of said commissioners to receive the funds arising from the sale of the school section of said township, to keep books and loan the same together with the restrictions and limitations now in force by virtue of said law except as in this act specified.

Sec. 4. And it shall be the duty of the school commissioner of the county of Rush, upon the demand of the commissioners so elected, to make out a full and complete statement of all the moneys, notes, bonds, mortgages, books, papers and effects belonging to said township, and deliver the same to the commissioners aforesaid, and upon his refusal to comply with this requisition, the township commissioners so elected may sue for the same in any court of competent jurisdiction.

Sec. 5. And from and after the election and qualification of the said commissioners, the office of township trustee shall be abolished in the township aforesaid; and until said election of commissioners, the township trustees shall be governed by the laws now in force, and shall receive and disburse the funds according to the laws now in force governing said township.

Sec. 6. Said trustees shall so soon as said commissioners are elected and qualified, deliver to the said commissioners all the money, notes, bonds, mortgages, books, and papers that properly belong to said township, and that it shall be the duty of said commissioners to perform all the duties required by law of said township trustees.

Sec. 7. In all cases where vacancies occur, either by death, or resignation, or otherwise, it shall be the duty of the county commissioners of said county of Rush to fill such vacancies at their first regular meeting, which vacancies shall be filled in all cases with citizens of said township, who shall give bond and security as herein specified.

Sec. 8. The provisions of this act shall not deprive the citizens of said township of their portion of the surplus revenue nor of any other school funds arising from the laws now in force in this State for the support of education.

Sec. 9. The districts is said township shall be governed by the general laws of this State; also, that they shall have power to levy and collect their own tax as a majority of the citizens of any district may agree upon, and it shall not be lawful for the auditor and treasurer of the county of Franklin to levy and collect any school tax in that part of said township that lies in the said county of Franklin.

Sec. 10. This act shall be in force from and after its passage, and it shall be the duty of the secretary of state to forward a copy of this act to the auditor of the county of Franklin, Rush, and Decatur.

CHAPTER CCXXXVIII.

An act to amend an act entitled "an act to incorporate the German Theological Seminary of the German Evangelical Lutheran Synod of Missouri, Ohio, and other States," approved January 21, 1850.

[APPROVED FEBRUARY 10, 1851.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That said act of incorporation be so amended that the name of W. Scheler be changed whenever it occurs therein so as to read William Sihler, and that the name of Charles Peirsenbrink whenever it occurs therein be changed so as to read Christian Piepenbrink.

Sec. 2. This act to be in force from and after its passage.

CHAPTER CCXXXIX.

An act incorporating the Madison and Cross Plains Plank Road Company.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That David White, John Marsh, Michael G. Bright, Joseph Lockard, William C. Ryker, Andrew Morton, John Scott, Andrew Todd and William C. Hillis, and their associates and successors be, and they are hereby constituted a body politic and corporate, under the name of "The Madison and Cross Plains Plank Road Company," and by that name may contract and be contracted with, may sue and prosecute, and be sued and prosecuted, to final judgment and execution in all courts having competent jurisdiction, and do and perform all other things legitimate for such company to do, and they are hereby invested with all powers and privileges in anywise necessary or expedient to carry into effect the proper business of the association.

SEC. 2. The capital stock of the company shall consist of fifty thousand dollars, with the privilege of increasing the same at any time, to any sum that may be deemed expedient to carry into execution the legitimate objects of said company, and said stock shall be deemed personal property.

SEC. 3. The stock shall be divided into shares of twenty-five dollars each, and may be taken by any individual, company or body politic or corporate, to be paid for in cash, labor or any kind of property either real or personal, that may be agreed upon, and in such way and manner, and at such times and places as shall be by the company prescribed.

SEC. 4. Any five persons named in the first section of this act shall constitute a quorum for doing business, and as soon as may be deemed expedient, they shall meet at such place as may by them be agreed upon, and shall proceed to open books for the subscription of the capital stock, and do all other things needful for the full and complete organization of the company.

SEC. 5. In case a quorum shall fail to attend at any time and place agreed upon, those attending may either adjourn to another day, or they may consider the stations of the absentees or any of them, as vacated, and appoint some proper person or persons to fill the same.

SEC. 6. So soon as may be deemed expedient, after ten thousand dollars of the capital stock shall have been subscribed, said commissioners shall appoint some suitable time and place for holding an election for five directors, each of whom shall be a stockholder to

the amount of least four shares; said commissioners shall in all things manage such election, and give proper certificates to the persons elected, who shall hold their offices for one year, and until their successors are duly elected and qualified.

SEC. 7. At said election, and each subsequent election, each stockholder shall have one vote on each share of stock by him owned, and may vote in person or by proxy given in writing, and the time and place of holding all subsequent election of directors, shall be regulated by the by-laws of the company, except the elections shall be held annually as nearly as may be convenient.

SEC. 8. So soon as the first board of directors shall have been elected and sworn into office, said commissioners shall deliver over to them the subscription books, together with all the other things belonging to the company; said directors shall choose some competent person for president of said company; they shall also appoint a secretary and treasurer, who in like manner shall be qualified by oath or affirmation, before entering upon the duties of their respective offices, and this mode of organization, and qualification, shall be observed and continued by each subsequent board of directors, and a majority of said directors shall constitute a quorum to do business, and to supply all vacancies that may occur in their own body.

SEC. 9. Said company shall have power to view, locate and construct a plank or stone road from Madison in Jefferson county, via the forks of Indian Kentucky Creek to Cross Plains in Ripley county, and in constructing said plank or stone road, said company may follow such plan and use such materials as they deem most expedient, and if it shall be found advantageous to the location and construction of said plank road, the corporation shall have the right to lay the same along and upon any State or county road.

SEC. 10. Said company may adopt such rules and regulations, and make such by-laws as in their judgment, the business and affairs of the company may require, and such as are expedient to perform the duties and carry out the powers vested by this act; they shall also have power to appoint all needful officers, agents, and operatives and require them, or any of them, to give such bonds as may be deemed expedient, to enforce the payment of all stock subscriptions at such time and place, and in such proportions as may be agreed upon, under pain of forfeiture of the shares of stock by the delinquent, and the payment made thereon to the company, or to sue for and recover the amount due in an action of assumpsit, at their option; to issue proper certificates of stock and regulate the mode of transferring the same; to acquire, lease, sell and dispose of such real estate as may be expedient for the interests of the company; to enter upon and take possession of all lands and materials necessary for the location and construction of said road and its appendages, and to keep the same in repair, being accountable to the owners of such land and materials for such damages as may be just

and reasonable, when the same are not voluntarily relinquished; to erect, continue, and keep toll-gates; to establish, charge and collect tolls from all such as may use said road, not exceeding in amount the rates fixed by the general plank road laws of this State; to make and declare dividends of profits to the holders of the stock; and to do all other proper acts expedient to be done in accordance with the intent and meaning of this act.

SEC. 11. If any person or persons shall willfully and knowingly injure or obstruct said road, or any thing belonging thereto, such person or persons on conviction thereof, before any court of competent jurisdiction, shall pay, for the use of said company, twice the amount of damages and costs of suit.

SEC. 12. Plain and accurate accounts of the receipts and expenditures of said company, specifying clearly the nature of each shall be kept by the company, and shall at all times be subject to the inspection of the stockholders, whenever any two them shall apply at the same time for such inspection.

SEC. 13. The service of legal process on the president or secretary of said company shall be held in all courts and places, of sufficient service on said company, and on the trial of all suits and prosecutions brought by said company, the regularity of all their proceedings, to entitle them to sue or prosecute shall be presumed, but no common law ground of defence, when made to appear, shall be construed to have been taken away.

SEC. 14. The signature of the president of said company attested by the secretary, shall be deemed full evidence and authentication of any act of the company, unless it may be in such cases as the by-laws of the company may require, to be authenticated by the common seal of the company, and such seal, they are authorized to devise, adopt and use.

SEC. 15. The said company shall, under pain of forfeiture [of] their charter, begin the construction of said road within two years, and complete the same within seven years.

SEC. 16. No gate for the collection of tolls shall be erected nearer than one mile of the corporate limits of the city of Madison.

SEC. 17. This act shall be in force from and after its passage, and be deemed a public act, and shall be liberally construed, and may be repealed at any time if said company shall forfeit the same.

CHAPTER CCXL.

An act to incorporate the Camden and Lockport Plank Road Company.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That James M. Tusty, Mathew Rogers, Andrew McDonald, Jonathan Martin, John E. Snoeberger, Wm. Barnes, Elisha Vanbuskirk and Josiah Rogers, of the county of Carroll, and their successors in office, duly elected as hereinafter directed, are hereby constituted and appointed a body politic and corporate, and by the name and style of the President and Directors of the Camden and Lockport Plank Road Company, shall be able and capable in law and equity, to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto, in any of the courts of justice whatever, and to make and use a common seal, and the same to alter at pleasure, and shall be able and capable in law, to make and contract and enforce the necessary by-laws, rules and regulations, to enable them to carry into effect the provisions of this act, and the objects contemplated by the same, not inconsistent with the laws and the constitution of this State.

SEC. 2. The capital stock of said corporation, shall be fifteen thousand dollars, to be divided into shares of twenty-five dollars each.

SEC. 3. The directors named in this act, or a majority of them, may meet at such time and place, as they may agree upon, and organize said corporation by electing one of their body to be president, and after such organization any five of the board shall be a quorum.

SEC. 4. The corporation shall have power to appoint agents, clerks, treasurer, and all other officers and persons necessary, to carry into effect the objects of this act, they shall keep a journal of all their proceedings, in which shall be entered all the by-laws, rules and regulations, and all orders for the payment of such allowances as may be made to their officers, and all others in their employ, which journal shall be read from time to time by the board, and if found incorrect, [correct] shall be signed by the president; they may sit on their own adjournments, or on the call of the president; when the president is absent, they may appoint a president *pro tem.*; they shall fill all vacancies that may happen in their body.

SEC. 5. The corporation shall cause books to be opened for subscription to capital stock, at such time and place as they may choose, and due notice thereof shall be given, in each of which books the following entry shall be made: we the undersigned, prom-

ise to pay the sum of twenty-five dollars for each share of stock set opposite our names, in such manner and proportion, and at such times, as the president and directors of said corporation may direct.

Sec. 6. It shall be lawful for all persons of lawful age, to subscribe for any amount of capital stock, and the books shall be kept open for such space of time, and at such place or places, as the corporation may choose, and may be re-opened at any time; they may by agent offer for sale, in any county or State, any amount of stock upon such terms and conditions as may be thought advisable, and they shall have power on their credit, to borrow money on such terms as may be agreed on by the parties; the corporation may require such sum of money to be paid at the time of subscribing, not exceeding five dollars on each share, as they may think proper, but such requisition shall be made known by being inserted in the notice for opening the books, and any further payment on the stock shall be under the control of the corporation.

Sec. 7. As soon as one hundred shares shall be subscribed, and the amount paid on each share, as determined by the corporation, as provided in the preceding section, it shall be the duty of the corporation to give three weeks' notice in one of the newspapers of the county, and in such notice appoint a time and place for the stockholders to meet, and elect ten directors, who shall be stockholders and citizens of said county, which election shall be held within three months after the time of paying the first installment, and shall be conducted by two judges, appointed by the stockholders present, and the persons having the plurality of votes given, and counted in the public meeting, shall be declared duly elected; in all elections each share, the installment on which shall have been duly paid when required, shall entitle the holder to one vote, and votes may be given by persons owning the same or by authorized agents.

Sec. 8. It shall be the duty of the directors elected as above, and all those elected at all subsequent elections, to meet as soon thereafter as they conveniently can, and elect one of their own body to be president, and directors thus elected, shall continue in office until their successors are elected and qualified.

Sec. 9. All elections after the first, shall be held on the first Monday in October annually, under the direction of three stockholders, who are not directors at the time, to be appointed by the stockholders present, of which election due notice shall be given: *Provided*, That if from any cause whatever, there shall be no election held on the day appointed by this act, or by the directors for the first election, it shall be lawful to hold the election on any other day.

Sec. 10. Certificates of stock shall be given to stockholders, which shall be evidence of stock held, it shall be signed by the president and countersigned by the clerk; the stock be transferrable on the books of the corporation only, or by an agent or attorney,

or by an executor, administrator or guardian; but such stock shall at all times be holden by the corporation, for any dues from the holder thereof to the corporation or for any sum that hereafter become due on a contract made prior to such transfer.

Sec. 11. The corporation shall have power to call for such proportion of the stock subscribed, not exceeding twenty per centum of the amount of stock every six months, as they may think proper, to be paid at such time and place as they may designate, by giving sixty days' notice in one or more of the newspapers of the county, or by giving written notice to the stockholders; in such notice the amount on such share demanded, and time and place of such payment shall be set forth, and if any stockholder shall neglect or refuse to pay such requisition within ten days after the time named for payment, the corporation may bring suit against such delinquent, for the amount due, in any court of competent jurisdiction, and recover the amount with two per centum interest per month thereon for such detention, and if the amount cannot be made on execution, or if such delinquent is out of the State, then the corporation may by order on their books declare such stock forfeited to the corporation with whatever amount may have been paid thereon, and no such delinquent before the forfeiture of his stock shall have the right to vote for directors, or receive any dividend on his, her or their stock until the corporation shall be fully paid and satisfied.

Sec. 12. The corporation shall have full power to require of all officers and others in their employ, bonds with security to their acceptance, with such penalties as they may think proper for the faithful performance of their respective duties.

Sec. 13. The corporation shall have full power to survey, mark, and locate a plank road commencing at Camden, in the county of Carroll, thence to Lockport, in said county, or to some other point on the Wabash and Erie Canal, with full powers to diverge from a straight line whenever more favorable ground can be had or the interest of the company may require.

Sec. 14. It shall be lawful for the corporation, either before or after the location of any section of the road, to obtain from any person or persons through whose lands the same may pass, a relinquishment of so much of said land as may be necessary for the construction and location of said route, also such materials as may be obtained on said route for the construction of said road.

Sec. 15. That in all cases where any person through whose land the road may run shall refuse to relinquish the same, or where a contract between the parties cannot be made, it shall be lawful for the corporation to give notice to some justice of the peace in the county where such difficulty may occur that such facts do exist and such justice shall thereon summon the owner of such land to appear before him on a particular day within ten days thereafter, and shall appoint twelve disinterested freeholders of the neighborhood,

who shall, after taking an oath faithfully and impartially to assess damages if any, view the lands or other materials, and after taking into consideration the advantages and disadvantages the road may be to the same, and shall report thereon whether such person is entitled to damages or not, and if so, how much, and shall file such report with such justice, whereupon said justice shall enter judgment thereon, unless for good cause shown; that in case either party shall show sufficient cause why judgment shall not be entered, the justice may grant a review of the premises either with or without cost: *Provided*, That either party may at any stage of the proceedings appeal to the circuit court of the proper county as in other cases, and such court shall appoint viewers as above directed, who may report at that or the succeeding term, in the discretion of the court, and the judgment of the said court shall be final.

SEC. 16. That if it shall be found expedient or advantageous to [the] location and construction of said road, the corporation shall have the right to lay the same along and upon any State or county road: *Provided, however*, That before such location shall be made the corporation shall make application to the county commissioners of said county for such [right,] and said commissioners are hereby invested with power to grant the same by an order entered on their records.

SEC. 17. That when said corporation shall have procured said right of way as hereinbefore provided, they shall be seized in full right of said land and shall have the sole use and occupancy of the same, and no person, body politic or corporate shall in any way interfere with, molest, or injure any of the rights or privileges hereby granted, or that would be calculated to detract from or affect the profits of said corporation.

SEC. 18. The corporation shall commence the construction of said road at any time within four years [of] the date of this act, and may, from time to time, construct such portions of said road as may be within their ability and to the interest of the corporation, shall complete the whole of said road within six years from the time of the commencement of the same: *Provided*, That if the road should not be completed within the time aforesaid, the General Assembly may, for good cause shown, give further time to complete the same.

SEC. 19. It shall be lawful for said corporation to erect gates at suitable distances apart, and demand and receive from all persons traveling said road (footmen excepted) the tolls allowed and fixed by said corporation: *Provided*, That the corporation may at any time alter or amend or change the rate of tolls: *Provided, however*, That the tolls shall never be raised higher than an average of tolls charged on roads of a similar character in this State; it shall be the duty of the corporation when the rate of tolls shall be determined

to post the same up in some conspicuous place at each place of receiving tolls on said road.

SEC. 20. That if any person or persons using said road with intent to defraud said company or evade the payment of tolls, pass through any gate or bar erected on said road according to the provisions of this act, or shall practice any fraudulent means with intent to lessen the payment of tolls, or shall travel on said road between such gates more than one mile in distance and not report the same to the proper person authorized to receive such tolls and pay the same, shall for every such offence forfeit and pay to the corporation the sum of five dollars, to be recovered with cost of suit in any action of debt at the suit of the corporation before any justice of the peace of the county: *Provided*, That nothing in this act shall be so construed as to prevent persons residing on said road from passing thereon about their premises for common ordinary business.

SEC. 21. The corporation shall make dividends of so much of the profits and at such times as the corporation may deem proper, and pay the same to the several stockholders as soon thereafter as they conveniently can.

SEC. 22. That if any person or persons shall willfully or knowingly injure or obstruct said road, or any part thereof, or shall break, destroy, or injure any gate, bar, or toll house, or any other property belonging thereto, such person or persons so offending shall pay the corporation three times the amount of damages actually done with costs of suit, to be recovered by the corporation before any court having competent jurisdiction: *Provided*, That all actions commenced by the corporation, or against the same, for damages, shall be commenced within six months from such cause of action accrued and not after.

SEC. 23. It shall be the duty of the corporation to cause a full statement of the affairs of the company to be made and exhibited to the stockholders at every annual election or at any general meeting of same.

SEC. 24. Any number of stockholders holding one-third of the stock may call a general meeting of the stockholders by giving four weeks' notice in one or more of the newspapers of said county and specifying in such notice the object of such call, and the majority of the stock being represented, they may make such order in relation to the concerns of the company as a majority may determine.

SEC. 25. Should the capital stock herein granted be insufficient to accomplish the intended work, the company may in any case increase the same.

SEC. 26. That when the road is located, it shall be the duty of the corporation to cause a part [plat] of the same to be deposited in the office of auditor of said county of Carroll, and from and after that time it shall not be lawful for said corporation to alter or change

any part of said road without first obtaining the consent of the county board in which such change is proposed.

SEC. 27. That if after the completion of said road it shall be suffered to go into decay or be impassable for six months, unless when the same is repairing, this charter shall be taken and considered as forfeited.

SEC. 28. The president and directors of the company shall be liable in their individual capacity for all debts contracted in the prosecution of said work above the amount of solvent stock secured to the company; and the legislature reserves the right to alter, amend, or repeal this charter whenever any of its privileges shall be violated.

SEC. 29. This act shall in force from and after its passage, and shall be taken to be a public act.

CHAPTER CCXLI.

An act to incorporate the Franklin Insurance Company.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That there shall be, and hereby is established in the town of Franklin, an insurance company, with a capital stock of one hundred thousand dollars, to be divided in shares of twenty-five dollars each, and subscribed and paid for by individuals, companies, or corporations, in manner hereinafter specified, which stockholders and subscribers and their successors, shall be, and hereby are created a body politic and corporate, with perpetual succession, by the name and style of the Franklin Insurance Company, for the period of fifty years, from and after the passage of this law, and by that name and style shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all courts and places, and in all matters whatsoever, with full power and authority to acquire, hold, possess, use, occupy, and enjoy, and the same to sell, convey and dispose of, all such real estate, as shall be necessary and convenient for the transaction of its business, or which may be conveyed to said company for the security, or in payment of any debt, which may become due and owing to the same, or in satisfaction of any judgment of any court of law, or any order or decree of any court of equity in their favor, and may have and use a common seal, and the same alter, break, change or renew at pleasure, and may also make, ordain, establish and put in execution such by-laws, ordinances, rules and regulations, as shall be necessary and proper for the good government of said company, and the prudent and efficient management of its affairs: *Provided*, That no by-law, ordinance, rules or regulations of said company, shall in anywise be contrary to the constitution and laws of this State, or of the United States: *And provided further*, That said company shall not own, or hold at any one time, a greater amount of real estate than shall be of the value of one hundred thousand dollars.

SEC. 2. That said corporation shall have full power and lawful authority, to insure all kinds of property against loss or damage by fire, or any other cause or risk, to make all kinds of insurances against loss or damage on goods, merchandize, and produce in the course of transportation or otherwise, whether on the land or on the water, and vessels or boats wherever they may be, to make all kinds of insurance upon life or lives, to lend money on bottomry or respondentia, to cause themselves to be insured against any loss or risk, they may have incurred in the course of their business, and against any maritime, or other risk upon the interest which they may have in any vessel, boat, goods, merchandize, or other property by means of any loan or loans which they may make on mortgage, bottomry and respondentia, and generally to do and perform all other necessary matters and things connected with and proper to promote these objects.

SEC. 3. That it shall be lawful for said company to invest any part of their capital stock, moneys, funds, or other property in stocks, or funded debts, created or to be created, by or under any law of the United States, or of this or any other particular State, or in the stock of any chartered bank of this State, or of the United States, or any branch thereof, and the same to sell and transfer at pleasure, and again to invest the same or any part thereof, in such stocks, or funds, whenever and so often as the exigencies of said corporation, or a due regard to the safety of its funds may require; or they may loan the same or any part thereof to individuals or corporations, on real or personal security, for such periods of time and under such restrictions and limitations, and upon such terms as the directors thereof, for time being, shall deem prudent and best for the interest of said company, but in no case under this act shall any loan or loans be made at a greater rate of interest than six per centum per annum; that the office of the Franklin Insurance Company be and the same is hereby made an office of discount and deposit, and are hereby authorized to deal in exchange, and the discount of promissory notes, and to receive cash, and the bank bills of any incorpo-

rated bank on deposit, for such time and on such interest as may be agreed on, and to discount or loan the same, upon such terms and rate of interest as may be agreed upon between said company and the person or persons, company or corporation, discounting or borrowing the same, not exceeding the rate of interest individuals are allowed by law, to receive: *Provided however*, That all deposits made in said office, shall be refunded and paid by said corporation, on demand, in specie, or its equivalent, except where special deposits are made, which shall be refunded and paid as agreed upon: *And provided, also*, That it shall not be lawful for said corporation, to issue or emit any bills of credit, or any bills payable to order or bearer, as a circulating medium of trade, or exchange, nor in any manner engage in the business or operation of banking, otherwise than in the purchase and sale of bank stock as aforesaid.

Sec. 4. That in all cases where said company shall refuse to pay deposits made in said office, on demand, the amount of the same shall be recovered by motion or suit in any court of competent jurisdiction, ten days' previous notice [of said motion,] if before the circuit court, and three days' notice if before a justice of the peace, having been given, and upon judgment rendered therein, against said corporation for deposits, shall be allowed ten per cent. damages and interest at the rate of six per centum, from the date of such legal demand, and upon which judgments there shall be no stay of execution.

Sec. 5. That it shall be sufficient service of process on the corporation hereby created, to execute the writ or notice on the president or secretary, and a majority of the directors for the time being, and such service shall authorize judgment on proceedings by default against the corporation without appearance or plea by the corporation, in the same manner that judgments or proceedings are taken by default against individual persons on the execution of process.

Sec. 6. That the real and personal estate, business, property, funds, and prudential concerns of said corporation, and the administration of its affairs shall be under the management, direction, and control of a board of nine directors, who shall be stockholders and citizens of the State of Indiana, and, after the first election, they shall be elected by the stockholders on the second Monday in August annually, at such time of day and at such place in the town of Franklin as said directors for the time being shall direct; they shall hold their offices for the term of one year and until their successors shall be chosen, and notice of such election shall be advertised and published for three weeks next preceding the same in a newspaper printed in said town, and such election shall be by ballot, and a plurality of votes received and counted in public, by and under the inspection of three stockholders, not directors at the time, to be previously appointed by the board of directors for that purpose, and at every such election, and all other meetings of the stock

holders held under the provisions of this act, each shall be entitled to one vote for each share: *Provided*, That no stockholder shall be entitled at any time to more than twenty-five votes, and any stockholder not personally attending such election or other regular meeting of the stockholders and having a right to vote may vote by proxy, such proxy being granted to a stockholder present at such election or meeting; and in case it should so happen that an election of directors should not be made on any days when by this act it ought to have been made, it shall and may be lawful for said company to make an election for directors on any other day in such manner as may be provided for by the by-laws and ordinances of said corporation.

Sec. 7. That the directors duly chosen under the provisions of this act shall, as soon as may be after the first and every annual election, elect from their own body a president who shall preside in the board until the next annual election, and in case of his death, resignation, or absence, the board shall appoint a president *pro tempore;* they shall fill all the vacancies which may occur in their own body during the time for which they were elected, and shall appoint a secretary, and all subordinate officers, clerks, and servants of said corporation, fix their compensation, define their powers, and prescribe their duties, who shall hold their several offices during the pleasure of the board, under such regulations, restrictions, and limitations, not inconsistent with the provisions of this act and the by-laws, rules, and ordinanses of said company, as the directors for the time being shall prescribe; they shall make such by-laws, rules, and regulations for their own government and for the management and disposition of the stock, property, estate, funds, and business of said company, and all matters thereto, as shall be needful and proper, not contrary to the provisions of this act and the by-laws, rules, ordinances, and regulations adopted at any regular meeting or meetings of the stockholders; they shall hold stated meetings agreeably to their own regulations and at such times as the president thereof for the time being shall order and direct, and a majority of the whole number shall constitute a quorum and be competent to transactions of business within such scope of their powers and connected with their duty, and all questions before the board shall be decided *viva voce* by a majority of the directors present, any two of whom may require the yeas and nays to be taken on any proposition submitted and entered in the journal of their proceedings, and no vote shall be received [rescinded] by a less number than were present and voting when the original vote was taken; they shall in the first week in January and July annually make and declare such dividends of the profits resulting from their business as shall not impair or in anywise lessen the capital stock of the same, and to cause the same to be paid to the several stockholders: *Provided*, That no such dividend shall

be paid on any stock that has not been fully paid for, but shall be passed to the credit of such stock as part payment thereof.

Sec. 8. That all policies of insurance which may be made or entered into by said corporation shall be subscribed by the president, or president *pro tempore*, or by such officer as shall be designated for that purpose by its by-laws, and attested by the secretary, and being so signed and attested shall be binding and obligatory on the said corporation, without the seal thereof, according to the true intent and meaning thereof; and all such policies or contracts may be entered into and so signed and attested, and the business of the corporation may be carried on without the presence of the board of directors, by the president and secretary, subject nevertheless to the by-laws, rules, ordinances, and regulations established by the board of directors; it shall be the duty of the secretary at every annual or other general meeting of the stockholders, to lay before them a correct and particular statement of the conditions and affairs of the company.

Sec. 9. That the stock of said company shall be assignable and transferrable on the books of the same or otherwise, according to such rules and by-laws, and subject to such restrictions and limitations as may be established by the directors, and all such stock shall be held and considered as personal property.

Sec. 10. That any number of the stockholders who shall at the time be the owners of one-tenth part of the stock sold shall have power to call a general meeting of the stockholders by giving two weeks' notice in some newspaper printed in said town of the time and place of such meeting, and the stockholders present in person or by proxy at any such meeting shall decide all questions proposed for consideration by a plurality of votes, and may make and prescribe such by-laws, ordinances, rules, and regulations as to them shall appear needful and proper in relation to the management of the affairs of the company or the government and direction of the officers thereof.

Sec. 11. That books for the subscription to the capital stock of said company shall be opened in the town of Franklin by and under the direction of S. Herriott, Jos. S. McClellan, George King, S. S. Winslow, F. M. Finch, H. Fox, and Thomas Williams, who are hereby appointed commissioners for that purpose, whose duty it shall be, or any three of them, to give notice of the time and place of opening books for subscriptions in a newspaper printed in said town; and it shall be lawful for any individual, company, or body corporate to subscribe for any number of shares, and such individual, company, or body corporate shall at the time of subscribing pay to the said commissioners one dollar on each share so subscribed; and it shall be the duty of said commissioners as soon as fifty shares are subscribed to give two weeks' notice in some newspaper printed in said town of the time and the place for the stockholders to meet and elect the first board of nine directors, which election shall in all respects be governed by the provisions of this act for the election of directors, and the board of directors thus elected shall constitute the first board and shall continue in office until the next annual election.

Sec. 12. That so soon as the board of directors are elected as aforesaid it shall be the duty of the commissioners to pay over to the said board of directors all moneys that may be in their hands belonging to said company and deliver over to them all books and papers belonging to the same; and it shall be the duty of the directors, before they proceed to make any policies of insurance, to demand and receive of each stockholder the full amount of stock by by them respectively subscribed, which payment shall be made either in cash or secured to be made by giving real or personal security to the satisfaction of the directors. and if any stockholder shall fail to make such payment or give security as aforesaid within thirty days after the election for directors, such stockholder shall forfeit to the company the amount paid on such stock at the time of subscribing: *Provided*, That the said corporation shall not commence business or grant any policies of insurance until one hundred shares are subscribed and paid for or secured to be paid as aforesaid, it being one quarter of the capital stock; all the remaining balance of the stock shall be offered for sale at such time and place, and on such terms as the directors for the time being may from time to time direct.

Sec. 13. That when said corporation shall have commenced business as aforesaid and shall grant any policy or policies of insurance on any kind of property, real or personal, against loss or damage by fire, or any other cause, or risk on any goods, merchandize, or produce, whether on the land or on the water, on any vessel or boats whatever, and wherever they may be, on life or lives, or shall lend any money on bottomry or respondentia, or shall become the underwriter of any foreign or domestic bill of exchange, bond, note, or obligation, it shall be lawful to charge such rate of premium or interest as may be agreed upon by the parties.

Sec. 14. That whenever any property, real or personal, on which a policy may have been effected, shall be sold during the existence of the policy, it shall be lawful for the vender or venders to assign such policy to the vendee or vendees of such property, and such assignee or assignees shall have the benefit thereof: *Provided*, That before any loss happens, notice shall be given said company of said assignment: *And Provided*, That said company when so notified shall be at liberty to return a rateable proportion of the premium and thereupon be exonerated.

Sec. 15. That whenever said corporation shall be notified of

any loss sustained or incurred on any policy of insurance granted or issued by the same, it shall be the duty of said corporation to pay the amount so lost or incurred on such policy within sixty days after being so notified: *Provided*, There shall have been no violation of the condition of the policy on the part of the insured; and on all judgments obtained by said corporation there shall be no stay of execution, except on judgments for money loaned and on discounted promissory notes, upon which said judgment for money loaned and discounted notes, there shall be allowed the same stay of execution as is now or may hereafter be allowed by law in other cases; the stockholders may, at any regular meeting, either increase or diminish the number of directors: *Provided*, That there never shall be more than thirteen nor less than five.

SEC. 16. That in all cases where execution shall issue against said corporation, the same shall be first levied on the goods, chattels, lands, and tenements belonging to said corporation as its joint property, and on a return on such execution of no property found, or not a sufficiency of property to satisfy said execution, then and in that case the individual property of each of the corporators who are or were stockholders at the time the debt, demand, or liability accrued, shall be held for said debt to the amount of his, her or their stock and no further; but no execution shall issue against any stockholders in their individual capacity until a *scire facias* shall be issued against and served on them to appear and show cause, if any they can, why execution shall not go against them, and upon such trial the stockholders, or any one of them, may be permitted to plead that he was not a stockholder at the time of contracting such debts, demands, or liability, or that the corporation was not liable for said debts or any cause of legal defense.

[SEC. 17.] This act shall be in force from and after its passage, and shall be deemed and taken to be a public act, and shall be construed favorably for every beneficial purpose.

CHAPTER CCLXII.

An act to authorize John Warren to file a bill in chancery in the Tipton Circuit Court.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That John Warren, of Tipton county, be, and he is hereby authorized to file a bill in chancery in the Tipton circuit court, praying to be divorced from his wife, Elizabeth Warren; and the court aforesaid is hereby authorized to retain, hear, and grant the prayer thereof, as though the persons aforesaid had been separate and apart two years.

SEC. 2. This act shall take effect and be in force from and after it is filed in the clerk's office of said county of Tipton, and the secretary of State is hereby required to forthwith forward a copy of this act to the clerk of said court.

SEC. 3. All laws, and parts of laws, contravening the provisions of this act are hereby repealed so far as the parties aforesaid are concerned.

CHAPTER CCXLIII.

An act authorizing the president and trustees of the town of Lafayette to purchase and hold real estate.

[APPROVED FEBRUARY 4, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the president and trustees of the town of Lafayette be, and they are hereby vested with full power and lawful authority to purchase and hold by deed, in fee simple, title bond, or otherwise, real estate situate either within or without the corporate limits of said town to an amount not exceeding ten thousand dollars.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER CCXLIV.

An act to authorize the Lafayette Insurance Company to increase its capital stock.

[APPROVED FEBRUARY 10, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Lafayette Insurance Company incorporated by an act of the General Assembly of the State aforesaid, approved February 8, 1836, be, and they are hereby authorized and empowered, in addition to the privileges and immunities granted said company by the said act of incorporation, to increase their capital stock one hundred thousand dollars.

SEC. 2. This act to be a public act, and be in force from and after its passage and acceptance by the directors of said company.

CHAPTER CCXLV.

An act declaring Flat Creek, or so much thereof as lies within the counties of Pike and Dubois, a public highway.

[APPROVED FEBRUARY 4, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Flat Creek, or so much thereof as lies within the counties of Pike and Dubois, from Scraper's mill, in Pike county, to Patoka river, be, and the same is hereby declared to be a public highway.

SEC. 2. Nothing in this act shall ever be so construed as to require highway labor to be performed on said creek or to interfere with mill dams erected thereon.

SEC. 3. This act shall be in force from and after its passage.

CHAPTER CCXLVI.

An act to repeal an act entitled "an act to amend the Road law in Jefferson county."

[APPROVED JANUARY 31, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That an act entitled "an act to amend the Road law in Jefferson county," approved January 19, 1850, be, and the same is hereby repealed, and that all laws and parts of laws repealed by said act, or in any way suspended by the passage of the same, be and the same are revived and shall be in as full force and effect in said Jefferson county as though said act hereby repealed had never been enacted and in force.

SEC. 2. The road districts in said county as they existed immediately previous to the passage of said act of the 19th of January, 1850, be, and the same are hereby reinstated and re-established, until altered or changed by the board of commissioners of said county.

SEC. 3. This act to be in force from and after the 20th day of March, 1851.

CHAPTER CCXLVII.

An act to vacate part of the road leading from Harrison to Indianapolis.

[APPROVED FEBRUARY 4, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of the State road leading from Harrison to Indianapolis as lies between points following, be, and the same is hereby vacated, beginning at the south-west corner of William T. Marshall's farm, in section ten, township seven, range one west, and terminating at the point where said road intersects the turnpike road at the canal bridge on the lands of William Pursell.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCXLVIII.

An act to change the name of Shadrach Anderson to that of William Johnson.

[APPROVED JANUARY 3, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the name of Shadrach Anderson, a citizen of Cass township, Clay county, Indiana, be, and the same is hereby changed to that of William Johnson.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCXLIX.

An act declaring a certain county road therein named a State road.

[APPROVED FEBRUARY 4, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the county road heretofore laid out in White county, commencing at the house of John Reynolds and running north to the point of intersection with the Monticello and Winamac State road, be, and the same is hereby declared a State road, and the board doing county business in said county are hereby required to cause the same to be opened sixty feet wide.

SEC. 2 This act to take effect and be in force from and after its passage.

CHAPTER CCL.

An act to change the name of Mount Wallaston in the county of White, to Norway.

[APPROVED JANUARY 31, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the name of Mount Wallaston, on the Tippecanoe river about three miles above Monticello, be and the same is hereby changed to Norway.

SEC. 2. All contracts relating to lots in said town, heretofore made or hereafter to be made, in which said lots are described as lying or being in Norway, shall be as effectual to all intents and purposes as if the same described said lots as lying or being in Mount Wallaston.

SEC. 3. This act shall take effect and be in force from and after its passage.

CHAPTER CCLI.

An act to amend an act entitled "an act relative to the leveeing the Wabash river on Shaker prairie," approved January 14, 1846, and to repeal an act amendatory thereto, approved January 21, 1850.

[APPROVED FEBRUARY 5, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the assessments heretofore made, under and by virtue of the act to which this is an amendment, for the purposes in said act specified, be and the same are hereby confirmed and made legal, and effectual to all intents and purposes contemplated by said act.

SEC. 2. In all cases when anything shall remain due and unpaid upon said assessment, it shall and may be lawful for the board of directors, acting under said first mentioned act, to bring an action of *assumpsit* in their names before any justice of the peace, having jurisdiction to recover said assessments, and the said directors shall recover in said action whatever shall remain due upon said assess-

ment, and the legal interest from the time when the same should have been paid, and it shall be a sufficient declaration in any such action to allege that the defendant is indebted to the plaintiffs, in the amount of said assessment and interest, without in any manner setting out this statute or the statute to which this is an amendment.

SEC. 3. If there has not been a sufficient sum assessed, to pay the expense of said levee already incurred, it shall and may be lawful, and the duty of the said board of directors, to make a further assessment upon the land already rated and assessed, in proportion to said rating and assessment, and sufficient to pay the expense thereof, which further assessment shall be collected as in this act, and in the act to which this is an amendment is provided.

SEC. 4. This amendment shall not have the effect to repeal any portion of the act to which it is amendatory, but shall be taken to be supplementary thereto.

SEC. 5. The act entitled an act to repeal an act entitled, an act to levee the Wabash river in Shaker prairie, approved January 14, 1846, approved January 21, 1850, be and the same is hereby repealed.

SEC. 6. This act shall be in force from and after its passage, and it and the act to which this is amendatory, shall be taken to be a public act.

CHAPTER CCLII.

An act relative to the Laporte and Plymouth Plank Road Company.

[APPROVED FEBRUARY 6, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Laporte and Plymouth Plank Road Company, is hereby authorized to charge and receive as toll for crossing their bridge across the Kankakee river, in addition to the ordinary toll on their road, as follows: for each and every vehicle drawn by one horse or other animal, any sum not exceeding nine (9) cents, and three (3) cents for each and every additional horse or other animal; for each and every horse ridden five (5) cents; for each and every horse, mule or ass, led or driven two (2) cents; for all other animals one (1) cent each; and all persons crossing said bridge shall pay

toll as aforesaid, subject to the penalties now prescribed by law for failing to pay toll on said road, but no person, animal or vehicle, coming on to said road in Marshall county, and traveling along the same to the town of Laporte, or coming on the same at Laporte and traveling along the same to the county of Marshall shall be required to pay any additional toll for crossing said bridge.

SEC. 2. That all the powers, privileges and immunities conferred upon the Union Plank Road Company, by an act entitled, "an act relative to the Union Plank Road Company, in Laporte county," approved January 16, 1850, be and the same are hereby conferred upon the said Laporte and Plymouth Plank Road Company.

SEC. 3. This act shall be a public act, and be in force from and after its passage.

CHAPTER CCLIII.

An act in relation to the South Bend and Plymouth Plank Road Company.

[APPROVED FEBRUARY 6, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the organization of the South Bend and Plymouth Plank Road Company, under the provisions of [an] act authorizing the construction of Plank Roads, approved January 15, 1849, and the election of directors of said company, be and the same are hereby legalized, and made valid and effectual as fully and completely as if all the provision of the first section of the act aforesaid had been fully complied with.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCLIV.

An act to vacate an alley in the town of Bloomington.

[APPROVED FEBRUARY 5, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the alley on township line dividing township seven, range one west, and township eight, range 2 west, and lying and being situate between fractional in-lots known by numbers 18, 19, 20, 21, 22, 23, 24, 25 and 26, and seminary in-lots known by numbers 74, 73, 24, 25, 34, 35 and 48, in the town of Bloomington, in the county of Monroe, in the State of Indiana, be and the same is hereby vacated.

SEC. 2. That the ground where said alley is, shall be attached to the lots or ground bordering on said alley, and all right and title thereto, shall vest in the person or persons and their heirs and assigns forever, owning the property on each side thereof, in equal proportion, according to the length or breadth of said lots or ground, as the same may border on said alley.

SEC. 3. That this act shall take effect and be in force from and after its passage.

CHAPTER CCLV.

An act to incorporate the Peru and Andersontown Plank Road Company.

[APPROVED FEBRUARY 4, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That William S. White, Matthew Fenimore, George C. Smith, Jacob C. Miller, James M. Defrees, George S. Fenimore and John A. Graham of Miami county, and their successors in office duly elected, are hereby constituted a body corporate and politic, by the name and style of the Peru and Andersontown Plank Road Company, and by such name and style, shall be capable in law and equity, to sue and be sued, plead and be impleaded, answer and be answered unto, in any and all courts whatever, to make, use or adopt

a common seal, and the same to alter at pleasure, and shall be able to make all contracts necessary to the objects of said company, and to make and enforce all necessary by-laws, rules and regulations; and shall have and possess all the power of a body politic and corporate necessary for the purposes of constructing a plank road or turnpike road, from Peru in Miami county, by the way of Santa Fe on the Peru and Andersontown State road to the county line of said county, with power to construct a branch thereof from Santa Fe in the direction of Marion, on such ground as may be selected by said company.

SEC. 2. That all the rights, benefits and privileges conferred on the Peru and Rochester turnkike company, by the act to incorporate the same, approved January 15, 1849, be and the same are hereby conferred on the Peru and Andersontown Plank Road Company, and the charter of said Peru and Rochester Turnpike Company, so far as the same is not inconsistent with this act, be and the same are hereby declared the charter of this company: *Provided*, That nothing herein contained shall in anywise affect, change or modify the provisions of the charter of the said Peru and Rochester Turnpike Company, and nothing herein shall be so construed as to affect any of the rights of said company.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CCLVI.

An act to amend an act entitled "an act to incorporate the Terre Haute Draw Bridge Company," approved January 13, 1845.

[APPROVED FEBRUARY 8, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section sixth of an act entitled, "an act to incorporate the Terre Haute Draw Bridge Company," approved January 13, 1845, be and the same is hereby so amended, that hereafter, it shall be lawful for the stockholders of said company, commencing with the first election after the passage of this act, to elect three directors, instead of five, as in said section provided, one of their number as president, one qualified person as secretary, and one qualified person

as treasurer, for the management of the business of said company; it shall not be required that the secretary and the treasurer, as aforesaid shall be stockholders of said company, and it shall be the duty of the directors to give due notice to the stockholders, by publication in some newspaper printed in Terre Haute, or otherwise, of any election for directors as aforesaid.

SEC. 2. This act to be in force from and after its passage, and so much of the sixth section of said act, as comes in conflict with this act, be and the same is hereby repealed.

CHAPTER CCLVII.

An act authorizing Cyrus Taber and Allen Hamilton to build a dam across the Wabash River, in Cass county.

[APPROVED FEBRUARY 11, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Cyrus Taber and Allen Hamilton, or in case of the death of either of them, the survivor of them, be and they are hereby authorized to construct and maintain a mill dam across the Wabash river in Cass county, at or near where the section line between sections thirty-one and thirty-two, in township twenty-seven north, of range two east, crosses said river: *Provided, however*, That they shall construct in said dam, a slope sufficient to admit the passage of rafts, boats and other craft over said dam without injury.

SEC. 2. The provision of this act shall extend to the heirs, devisees and assignees of the said Cyrus Taber and Allen Hamilton.

SEC. 3. This act shall take effect and be in force from and after its passage.

CHAPTER CCLVIII.

An act to incorporate the Pittsborough and Crawfordsville Plank Road Company.

[APPROVED FEBRUARY 6, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That A. Alexander, R. K. Carter, James Green, A. Long, and David Watson, be and they are hereby appointed commissioners to open books at suitable places in the State of Indiana, for subscriptions to the capital stock of a company for the construction of a plank road from Pittsborough, in Hendricks county, by the way of Jamestown, in Boone county, to Crawfordsville, in Montgomery county, to be called the Pittsborough and Crawfordsville Plank Road Company, at any time within two years from and after the passage of this act: *Provided*, That said commissioners or any three of them, shall give twenty days' notice of the time and place of opening said books, by publishing in one or more of the newspapers published nearest the contemplated line of said road.

SEC. 2. *And be it further enacted*, That said company in their organization, and in all other things shall be governed by the provisions of an act entitled "an act to incorporate the Indianapolis and Brownsburgh Plank Road Company," approved January 18, 1850: *Provided*, That the said company shall not be authorized, and is hereby prohibited from erecting or establishing any gate within one mile of the corporate limits of said town of Crawfordsville.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CCLIX.

An act to amend an act entitled "an act to declare certain water courses in the counties of Perry and Spencer, public highways, and for other purposes," approved January 17, 1850.

[APPROVED FEBRUARY 4, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the main fork of Anderson river, be and the same is hereby declared navigable to the county line dividing the counties of Perry and Dubois, and the middle fork is, also hereby declared navigable up to where the road leading from Huffman's mill to Fredonia crosses said fork.

SEC. 2. That the county boards of the counties of Perry and Spencer, shall at their June term of each year, lay off said stream into suitable districts, including all the inhabitants within two miles of the margin of said streams on each side thereof, and appoint at said term suitable persons as supervisors of said districts, whose duty it shall be to call out all persons liable to work on roads, within said districts, one day at least before the first day of October in each year, to work upon said highway above declared, in removing obstructions and otherwise clearing out the same.

SEC. 3. The said supervisors shall be furnished with lists of their hands in the same manner, and make their reports to the same authority, and at the same time, and be subject to all the liabilities and benefits, and they and the hands in said districts shall be governed by the same laws, where the same do not conflict with this act, which govern and regulate the conduct and duties of supervisors of highways in said counties respectively: *Provided*,

SEC. 4. That where mill dams are already constructed across said streams, or may hereafter be constructed, the same shall not be molested or removed, if the proprietors thereof will construct good and sufficient slopes for the descent of boats over the same; and that where said dams are already constructed, the proprietors thereof shall have one year from and after the taking effect of this act, to alter and construct their dams in accordance with this act: *And provided further*, That it shall not be necessary for any slope to be constructed in or upon any dam which is not of the height of five feet.

SEC. 5. That the laws in force in said counties respectively, in relation to the obstruction of public roads, are hereby declared applicable to this highway, and this act to take effect and be in force from and after its passage, and publication in the Indiana Journal and State Sentinel.

CHAPTER CCLX.

An act for the relief of George Coit.

[APPROVED FEBRUARY 5, 1851.]

WHEREAS, One John F. Wright, late of Erie in the State of Pennsylvania, on the first day of June, in the year eighteen hundred and thirty-nine (1839,) executed to one George Coit of Buffalo, in the State of New York, a deed of conveyance for the west half of section number twenty-two (22,) in township number thirty-one (31) north, of range number five (5) east, in the county of Kosciusko, in the State of Indiana, containing 320 acres, which deed was afterwards on the first day of August in said year, acknowledged by said Wright, before one James Smith, a commissioner of deeds in and for the county of Erie, in the State of New York, which deed has been recorded by John Bybee, recorder, in the recorder's office of said county of Kosciusko, therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the recording of said deed and the record thereof, is hereby legalized, and shall have the same force and effect as if said deed had been duly acknowledged before a justice of the peace, or other proper officer of said county of Kosciusko.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCLXI.

An act to revive and extend the provisions of an act to incorporate the town of Anderson, approved January 17, 1849.

[APPROVED JANUARY 31, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the provisions of an act entitled, "an act to incorporate the town of Anderson, in Madison county, and amend the act incorporating the town of Greenfield, in Hancock county, so far as the same applies to the town of Anderson, be and the same is

hereby revived and extended; and the trustees named in said act, are hereby authorized and empowered to serve as such until the first Monday in April, A. D. 1851, and until their successors are elected and qualified.

SEC. 2. So much of said act as requires elections in said town to be on the first Monday in February annually, is hereby repealed: all electionss required by said act, shall hereafter be held as therein provided, on the first Monday in April annually.

SEC. 3. This act to take effect and be in force from and after its publication in the "Indiana Statesman."

CHAPTER CCLXII.

An act to locate a State road in the counties of Hamilton, Tipton and Howard.

[APPROVED FEBRUARY 6, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Samuel Collop of Hamilton county, and Temple Fleet of the county of Tipton, be and they are hereby appointed commissioners, to view, mark and lay out a State road commencing at Strawtown in the county of Hamilton, and State of Indiana, thence northwardly, to pass immediately west of John B. Cole's house, thence to James Jacks, in the county of Tipton, thence on the nearest and best route to the town of Jerome in the county of Howard.

SEC. 2. Said commissioners shall meet at the place of beginning, on or before the first Monday in June next, or as soon thereafter as they may agree upon, and proceed to the discharge of their duties, and in so doing they shall be governed in all respects by the laws now in force concerning roads and highways.

SEC. 3. This act to be in force from and after its passage and publication in the Indiana Sentinel and Indiana Journal.

CHAPTER CCLXIII.

An act authorizing John Heiney to build a mill-dam across the Salamonia river.

[APPROVED FEBRUARY 5, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That John Heiney be, and he is hereby authorized to construct and maintain across the bed of the Salamonia river, at or near the place where a saw-mill is now in process of erection, on the lands of said Heiney, in Huntington county, a mill-dam, not exceeding six feet in height, with a suitable slope or sluice-way to admit the free passage of all rafts, boats, or other craft.

SEC. 2. The benefit of this act shall extend to the heirs, devisees, or assigns of the said Heiney.

SEC. 3. This act shall take effect and be in force from and after its passage.

CHAPTER CCLXIV.

An act to authorize Loyd Brown and Eli Brown to erect and maintain a mill-dam across White river near Anderson in Madison county.

[APPROVED FEBRUARY 4, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Loyd Brown and Eli Brown, their heirs and assigns, be, and they are hereby authorized to keep, and maintain, and improve their dam across White river, near Anderson, in Anderson township, Madison county: *Provided, however*, Said dam shall not exceed five and one-half feet in height.

SEC. 2. The said Loyd Brown and Eli Brown, their heirs and assigns, shall have full power and authority to prosecute a writ of *ad quod damnum* in the same manner and with the same effect as if they were the owners of the bed of the said White river.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CCLXV.

An act to locate a State road in Allen county.

[APPROVED FEBRUARY 11, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That John Spencer, Charles Muldoon and William Lintlogue, be and they are hereby appointed commissioners to view, mark and locate a State road, commencing on the line dividing lands formerly owned by Martin Greeder, and Samuel Harris, where the Winchester and Fort Wayne State road crosses the same, thence northwardly on the line aforesaid to the bank of the Saint Mary's river, thence on the best ground, and so far as practicable, on section lines or on lines dividing lands of individuals, to the line dividing sections 35 and 36, in township 30 north, of range 12 east, thence north on said line to the Fort Wayne and Piqua State road, and it shall be the duty of said commissioners on the first Monday in May, or at such time thereafter and at such place, as a majority of said commissioners may agree upon, to meet and proceed to view, mark and locate said road, and report their proceedings to the clerk of the board doing county business according to law.

SEC. 2. Said commissioners after taking the necessary oath, shall employ a surveyor, chain carriers and marker if necessary, who shall be allowed by the board doing county business, a reasonable compensation for their services respectively, and it shall be the duty of the clerk of the board doing county business, within ten days after the return of said commissioners, to record said report in the record book of the board doing county business, and such road shall be opened and kept in repair agreeable to the laws now in force concerning opening and repairing roads and highways.

SEC. 3. So much of the old State road from Winchester to Fort Wayne as passed over and known as the Beaubien section, northwardly of where the same intersects the line mentioned in the 1st section of this act, after the road herein contemplated shall have been opened through said section, shall from thence be considered vacated.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER CCLXVI.

A bill to legalize certain acts of the Henry County Turnpike Company and for other purposes.

[APPROVED FEBRUARY 5, 1851.]

SECTION. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the organization of the Henry County Turnpike Company, and the election of directors in said company before ten per centum on one hundred shares of the stock in said company was paid in by the stockholders, and the acts and doings of the president and directors of said company, be and the same are hereby legalized, in all things as fully as if their proceedings had been in strict accordance with the provisions of the charter of said company.

SEC. 2. The said company are hereby authorized to reduce the rates of toll on cattle, sheep and hogs, and increase the rates of tolls on horses, led or driven or rode, so that the entire toll on said road shall not exceed one cent per mile on each horse led, driven or rode.

SEC. 3. Said company are hereby authorized to erect toll gates on said road at such places, as the said company may deem for their interest; but nothing herein contained shall authorize them to charge any greater rate of toll for travel on said road, than if this act had not authorized them to change the location of their toll gates.

SEC. 4. This act shall be deemed a public act and shall be in force from and after its passage.

CHAPTER CCLXVII.

An act to locate a State road in the counties of Pulaski, Starke and Laporte.

[APPROVED FEBRUARY 4, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Carter D. Hathaway of the county of Pulaski, John Lindsay of the county of Starke, and John Wills of the county of Laporte, be and they are hereby appointed commissioners to view,

mark and lay out a State road from Winamac in the county of Pulaski, by the way of Piqua in the county of Starke, and crossing the Kankakee river at or near the mouth of English lake, to Michigan City in the county of Laporte.

SEC. 2. Said commissioners or any two of them shall meet at the said town of Winamac, at such time as they shall appoint prior to the first day of May, A. D. 1851, and after having been duly sworn by some competent authority, faithfully and impartially to discharge their duties as such commissioners, they or any two of them shall proceed to view, mark and lay out the said road by the nearest and most practicable route, having regard to the points specified in the first section of this act, and also to private property the interests of the public, and of the persons through whose lands the same may pass.

SEC. 3. Said commissioners may employ a surveyor and a sufficient number of chain carriers, axe-men and markers, and when they shall have completed such location, they or any two of them, shall make out under their hands and seals, and file with the board of county commissioners of each of the counties through which the said road shall pass at the next session of the said boards thereafter, a report of their proceedings, describing the said road by course and distances, together with a map or plat thereof, which said report shall be recorded on the order books of the respective boards of county commissioners, and it shall be the duty of said boards to pay to said commissioners, surveyors, chainmen, axemen, and markers, a reasonable compensation for their services out of their respective county treasuries, each county paying in proportion to the distance the said road may run through said county.

SEC. 4. It shall be the duty of the several supervisors through whose district the said road may run, within a reasonable time after the said report shall have been recorded, to cause the said road to be opened for travel, and kept in repair to the width of sixty-feet: *Provided*, That said road shall not be opened through any enclosure upon which there shall be a growing crop, until the same shall have been harvested.

SEC. 5. This act shall take effect and be in force from and after its passage.

CHAPTER CCLXVIII.

An act to amend an act entitled, "an act to incorporate the Peru and Indianapolis Railroad Company," approved January 19, 1846.

[APPROVED FEBRUARY 8, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the 11th section of act entitled, "an act to incorporate the Peru and Indianapolis Railroad Company," approved January 19, 1846, be and the same is hereby amended, so that said company shall be authorized to, and at their option may, declare the stock, and all payments made thereon of stockholders who fail, neglect or refuse to pay two consecutive requisitions or installments, made or called for by the board of directors of said company, for the payment of the same, forfeited, without bringing suit against such delinquent; and in all such cases where, at the option of said company, suit is brought, and in all other cases of suits by or against said company, stockholders, for either party shall be competent witnesses; and all judgments for the recovery of delinquent requisitions as aforesaid, may be enforced and collected without benefit from any of the valuation or appraisement laws now in force in this State; and the notices to stockholders for the payment of requisitions or installments, as contemplated by the act to which this is an amendment, shall be deemed and taken as sufficient in law, when published in some weekly newspaper, or written as required by the 11th section of the act to which this is an amendment, or posted up in handbill form at least sixty days previous to the days of payment as set forth in said notices, in three of the most public places in the county of the stockholders, and the proof of the posting up of such notices, shall be proof of notice given, which notices in other respects to be governed by the requirements of the act to which this is an amendment.

SEC. 2. The sixth section of the act to which this is an amendment, shall be so construed as not to intend any of the restrictions of the statutes of usury.

SEC. 3. It shall be lawful for the president and directors of said company, to purchase land for the purpose of obtaining or growing timber for the construction and repair of said road; and all lands suitable and necessary for engine, car or warehouses, and stations, wood and lumber yards, or for the purpose of obtaining the right of way on more favorable terms, to buy and sell, for all such purposes, lands, not exceeding six hundred and forty acres in quantity; and all purchases and sales, within the limits and objects of this grant, as heretofore made in good faith and for a valuable con-

sideration, shall be as valid and binding upon the parties thereto as any lawful contract for a valuable consideration.

SEC. 4. It shall be optional with the board of directors of said company, to accept or reject all or any of the provisions of this act by filing their assent or dissent with the secretary of State, signed by the president and countersigned by the secretary with the seal of the company, at any time within four months after the passage of this act, and if so accepted, such parts as are accepted shall be in full force from the time of such acceptance.

SEC. 5. This act shall be deemed, taken and construed as the act to which it is an amendment, and all acts or parts of acts contravening the provisions of so much hereof as may be accepted, as herein contemplated, are hereby repealed.

CHAPTER CCLXIX.

An act to amend an act entitled "an act to incorporate the Madison County Hydraulic and Manufacturing Company," approved January 15th, 1849.

[APPROVED FEBRUARY 4, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the capital stock of said company above specified may consist of and be subscribed in real estate as well as money, labor, and materials: *Provided*, That real estate subscribed to said company shall not be sold or disposed of by said company for a less sum than that at which the same may be estimated and received by said company.

SEC. 2. That said company shall be allowed three years from and after the passage of this act to organize and elect directors for said company as specified in section three and four of the original charter for the organization of said company.

SEC. 3. This act to be in force from and after its passage, and be deemed a public act.

CHAPTER CCLXX.

An act for the benefit of the Union Plank Road Company, and the Michigan City and South Bend Plank Road Company, in Laporte county.

[APPROVED FEBRUARY 8, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the corporate existence of the Union Plank Road Company, in Laporte county, and the Michigan City and South Bend Plank Road Company, in the same county, are hereby recognized and declared to be bodies politic and corporate, by their respective names, each of them possessing all the powers of a corporation in perpetuity, and they are fully authorized to do any and all acts which may be necessary to execute and carry out the objects and purposes of said companies; they may each sue and be sued, either at law or equity, in all courts having jurisdiction, and either of said companies may include in one suit any or all sums which may be due for one or more penalties incurred, and other causes of action due to them from the same party, and all judgments in favor of, or against either of said companies, shall be without any relief whatever from valuation or appraisement laws, and collected accordingly; said companies are hereby authorized and empowered to enter into any contracts and agreements with each other for their mutual accommodation whereby the gate keepers of either of said roads may receive toll from, and issue tickets to persons desirous of traveling over parts of both roads, and for drawing such checks and drafts upon each other as may be mutually agreed upon between said companies, and for forming such connections as said companies may deem for their mutual benefit and accommodation.

SEC. 2. This act shall a public act, and favorably construed in all courts and places, and shall be in force from and after its passage, and all the powers and privileges conferred upon the said Union Plank Road Company by an act entitled "an act relative to the Union Plank Road Company in Laporte county," approved January 16th, 1850, are hereby extended to and conferred upon the Michigan City and South Bend Plank Road Company.

CHAPTER CCLXXI.

An act to amend an act entitled "an act to incorporate the Greensburgh and Brookville Turnpike Company," approved January 15, 1849.

[APPROVED FEBRUARY 4, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the words "approved January 26, 1848," in the 4th and last section of said act be and the same is declared a misprint, and that the same should be and is approved 26th January, 1847.

SEC. 2. *Be it further enacted*, That in view of the death of some of the directors named in said act and the refusal of others to serve as such, that J. H. Fisse, James T. Osborn, David Alley, Everhard H. Watcher, Jeremiah O. St. John, Joseph A. Miller, Anthony Mullaum, Aaron B. Line, and Henry Peirce, be, and they are hereby appointed directors in said act, instead of those named in the original act, and who shall serve as such until others are chosen pursuant to said charter.

SEC. 3. That nine directors shall hereafter be appointed under said act until the number shall be reduced, which may at any time be done by the corporation.

SEC. 4. That so soon as a good and substantial bridge is erected across the west fork of White Water river, near Brookville, by said corporation, said corporation may, if they see proper, collect toll at said bridge equal to the amount which the company may be authorized under said charter to collect for travel on five miles of their road when constructed.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCLXXII.

An act to change the names of persons therein named.

[APPROVED FEBRUARY 4, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the name of Elizabeth Clements, of the county of Orange, be, and the same is hereby changed to that of Elizabeth Cornwell.

SEC. 2. *Be it further enacted*, That the name of Moses Stanley Nevins, of Evansville, in the county of Vanderburgh, be, and the same is hereby changed to that of Stanley Morris Warner.

SEC. 3. *Be it further enacted*, That the name of Thomas Franklin Steiner, a minor, of Lagrange county, be, and the same is hereby changed to that of Thomas Franklin Bascom.

SEC. 4. *Be it further enacted*, That the name of Nancy Anderson, of the county of Vigo, be, and the same is changed to that of Nancy Pitman; also, that the name of Samuel Stacey Anderson, of said county of Vigo, a son of said Nancy Anderson, and under the age of twenty-one years, be, and the same is hereby changed to that of Samuel Stacy Pitnam.

SEC. 5. This act to be in force from and after its passage.

CHAPTER CCLXXIII.

An act for the relief of Dempsey Linton.

[APPROVED FEBRUARY 11, 1851.]

PREAMBLE:

WHEREAS, Heretofore to-wit, on the 1st day of February, A. D., 1840, one Willis C. Wilmore, at a public sale by the school commissioner of Randolph [county] of school lands in township twenty, of range twelve east, in said county, became the purchaser of lots No. 1 and 8, at eighty dollars each, and lot No. 9, at one hundred dollars, and paid on said lands one fourth part of the purchase money, being sixty-five dollars, down, together with one years' interest on the residue of said purchase money;

AND WHEREAS, Afterwards, on the 7th day of September, 1841, the said Wilmore sold said lands to Dempsey Linton, and in consequence of failure to pay the interest on said purchases, the said lands became forfeited to the said township, and afterwards the said lots No. one and eight were entered by one Henry Detro, and lot No. nine remains on hand unsold; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Dempsey Linton, of Randolph county, be and he is hereby authorized to enter, or purchase at private sale from the aud-

itor of Randolph county, lot number nine, of section sixteen, township twenty north, of range twelve east, in said county, containing forty acres, at the price for which the said land is appraised, and that he be credited on said purchase with the amount paid by the said Wilmore on the said lots one, eight and nine, at the first sale as named in the above preamble, and that for the residue of the price for said lot No. nine, he shall be entitled to the same credit allowed to other purchasers of school lands in this State.

SEC. 2. The auditor of said county is hereby required to make sale of said land, on the time, terms and manner, and allowing said credit as named in the first section, to the said Dempsey Linton. This act to be in force from and after its passage, and the secretary of state shall forward a copy of the same to the county auditor of Randolph county.

CHAPTER CCLXXIV.

An act for the relief of Andrew Morgan, of Dearborn county.

[APPROVED FEBRUARY 12, 1851.]

WHEREAS, Andrew Morgan, of Dearborn county, obtained a judgment against the State of Indiana, on the 6th day of May, A. D. 1841, for the sum of one hundred and twenty-five dollars; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the auditor of state be instructed to audit, and the treasurer of state to pay, out of any moneys in the treasury not otherwise appropriated, the said judgment and interest: *Provided*, That the said Andrew Morgan shall first make and file his affidavit with said auditor that said judgment remains wholly unsatisfied and unpaid.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCLXXV.

An act to amend an act to incorporate the Logansport and Rochester Michigan Road Company, approved January 15, 1846.

[APPROVED FEBRUARY 11, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That said company shall be and are hereby authorized in constructing their road from Rochester to Plymouth or Warsaw to open books for the subscription of stock to each of said branches, and it shall be the duty of said company to use all such funds on the branch on which it was subscribed, and the receipts of each branch shall be divided by the directors to the stockholders on that branch on which it is received.

SEC. 2. The stockholders in each branch shall be entitled to all the rights of stockholders under the original charter except as to dividends.

SEC. 3. As soon as three miles of any part of the Plymouth branch of said road shall have been completed, said directors may collect toll on the same: *Provided, however*, That said company shall within six months complete two additional miles: *And provided also*, That the provisions of this section shall not apply to the Warsaw branch of said road.

SEC. 4. If any person or persons shall attempt, either fraudulently or forcibly, to pass any toll gate on said road, or shall pass any such toll gate without first paying or tendering the lawful toll, any gate keeper or agent of said company may without process arrest any such person or persons and take him or them before any justice of the peace and detain him or them until the determination of the justice, who shall decide the suit as soon as possible, consistent with law and justice.

SEC. 5. This act, and the original act and the amendments thereto, are declared public acts, and all suits for any violation of its rights, or against it, may be brought before any justice of the peace in the county within which such violation may occur.

SEC. 6. This act shall be in force from and after its passage.

CHAPTER CCLXXVI.

An act to amend an act entitled "an act to incorporate the Lake Michigan, Logansport, and Ohio River Railroad Company," enacted by the General Assembly in February 1848.

[APPROVED FEBRUARY 11, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Lake Michigan, Logansport, and Ohio River Railroad Company be and they are hereby authorized and empowered, by themselves or their agents, to examine, survey, locate, and construct a railroad, with a single or double track, upon the most eligible ground for the interest of the company and not injurious to the public, commencing at the town of Logansport, in Cass county, and running thence north, either to Michigan City or to such point on the line of the Northern Indiana Railroad route east of Michigan City, as said company may select.

SEC. 2. That so much of section sixteen of the act to which this is an amendment as requires said company to commence at the town of Indianapolis, the examination making, survey, and location of a route for a railroad, be, and the same is hereby repealed, so far as said sixteenth section prohibits the commencement of said road at Logansport, to construct the same north of that point.

SEC. 3. This act shall be deemed and taken to be a public act, and shall take effect and be in force from and after its passage.

CHAPTER CCLXXVII.

An act to extend the Martinsville and Franklin Railroad via Spencer, in Owen county, to the Wabash and Erie Canal.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the directors of the Martinsville and Franklin Railroad [Company] be and they are hereby empowered to extend the

same to some point on the Wabash and Erie canal, within five miles of Point Commerce on said canal, hereafter to be selected by them, by the way of Spencer, in Owen county.

SEC. 2. For the purpose of enabling said company to construct said extension, it shall and may be lawful for said company to increase their capital stock to any additional amount not exceeding two hundred thousand dollars, to be divided into shares of fifty dollars each.

SEC. 3. Should the capital herein granted not be sufficient to complete the intended work, said company may increase the same to a sum sufficient therefor.

SEC. 4. Said company shall have power to appoint [agents,] and all other officers and persons necessary to carry into effect the objects of the act.

SEC. 5. Said company may, for the purpose of constructing said extension, cause books to be opened for subscription to the capital stock herein allowed, at such times, place or places as they may choose, due notice whereof shall be given in writing or by publication in some newspaper in the town, city, or county where such proposed books are to be opened; said stock to be paid in installments of such amount and at such time or times as said directors may require.

SEC. 6. In case of failure on the part of any stockholder to pay any installment on their said stock when duly called for, said company may sue for and recover the same in an action of assumpsit; or the said directors, or a majority of them, duly met, may declare the payment on any subscription of stock, as aforesaid, forfeited, which declaration of forfeiture shall vest all the right and interest in such payment in said corporation for the benefit of the stockholders.

SEC. 7. In all cases where any person or persons may feel aggrieved or injured by the construction of any of the works contemplated by this act, or by the act to which this is an amendment, or by the use of materials for the same, such person or persons shall make out a written statement of the cause of such complaint, particularly describing the nature of the injury and the interest of the complainant or complainants therein, and deliver the same to the secretary of the board of directors of said company, which statement shall be copied into a book to be kept for that purpose, and said secretary shall lay said complaint before said board of directors at their next meeting, and said board of directors shall refer the subject matter of said complaint to three disinterested persons as appraisers, to be named and appointed by said board, to appraise and assess the damages of such complainant or complainants; the said board shall fix the time or times, place or places for said appraisers to meet, and cause reasonable notice of the same to be given to such complainant or complainants of the time and place of the meeting of said appraisers, and when so

met, said appraisers shall be sworn to do impartial justice between said company and the complainant or complainants, according to the best of their understanding, and shall have power to require the attendance of witnesses, and either of them shall have power to swear such witnesses, and then decide on [their decision] and award they shall report to said secretary, and by him the same shall be copied into a book procured for the purpose, which decision of said appraisers shall be final, unless either party shall think proper to appeal to the circuit court of the county where such cause of difference arose, within thirty days after the filing of the award with the secretary, and when such appeal is taken it shall in all respects be governed by all the rules and regulations as appeals from judgments of justices of the peace, and on any appeal being taken, the party appealing shall file with the clerk of the proper circuit court the necessary bond, sufficient to cover double the amount of the costs therein, and said secretary shall make out and certify a transcript of such complaint and the award of said appraisers, in the same manner as transcripts are required to be certified by justices of the peace in case of appeal; and in all cases in the assessment of damages, as in this section provided for, the appraisers, court, or jury shall take into consideration the benefits resulting to such complainant or complainants from the construction of the works which occasion the supposed injury: *Provided*, That no such appraiser shall be the owner or lessee of any real estate situate on or within one mile of the line of said work of improvements for damages for the construction of which such claim or complaint may be made.

SEC. 8. This act to take effect and be in force from and after its passage.

CHAPTER CCLXXVIII.

An act to incorporate the Connersville and Milton Turnpike Company.

[APPROVED FEBRUARY 12, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Newton Claypool, Philip Mason, James Heron, Abraham Conwell, John S. Reid, E. Shipley, D. Hankins and their successors in office duly elected and qualified, be and the same are hereby created a body corporate and politic in law, by the name and style of the "Connersville and Milton Turnpike Company," with full power to sue and be sued, plead and be impleaded, contract and be contracted with, defend and be defended in any court of law, in this or any other State, and to adopt such by-laws for the government of this corporation, not in opposition to the following sections of this charter, or in violation of any of the general laws of the State of Indiana.

SEC. 2. The commissioners named in this act, shall at such time and place as they may deem proper, cause books to be opened for the subscription to the capital stock of said company, which stock shall not be less than five thousand dollars in shares of twenty-five dollars each, and when the sum of four thousand dollars are subscribed, and five per cent thereon paid either in cash or cash notes to the commissioners aforesaid, said company will be deemed duly organized, and the stockholders of said company shall thereafter at an early day be assembled by said commissioners, or any two thereof, and shall elect by ballot five directors for the ensuing year, who shall continue in office until their successors are duly elected and qualified.

SEC. 3. The said company by its agents or engineers, shall have full power from time to time to examine, survey, mark and locate a route for a turnpike road from the town of Connersville in Fayette county, commencing at the north part of said town, and running northwardly along or adjoining the Milton road, until the same intersects or joins the Milton and Waterloo Turnpike, and may lay the same along or across any State or county road in said county of Fayette, and when the said turnpike is fully finished and completed and ready for travel, the said Connersville and Milton road or common highway, shall be deemed vacated, and the said company shall have full power and authority to erect toll gates thereon, and charge toll for all travel thereon, not exceeding the rates specified in an act entitled, "an act to authorize the construction of plank or coal roads," approved February 16, 1848.

SEC. 4. The said company in its general government, shall in all

things be governed by the provisions of the said Milton and Waterloo Turnpike Company's charter, approved February 11, 1848, and the amendment thereto, so far as applicable to this turnpike company, having all the rights and privileges of said company, and being liable to similar penalties for all violation thereof done by them: *Provided however*, Said company may receive real estate, materials or labor as well as cash, in payment of the capital stock of said company.

SEC 5. This act to be in force from and after its passage, and shall be deemed a public act and liberally construed for all beneficial purposes, and the directors of said company shall be individually liable for all debts by them contracted, beyond the amount of solvent stock subscribed at the time.

CHAPTER CCLXXIX.

An act amendatory of the acts incorporating the townships of Dearborn county, so as to authorize the board of county commissioners of said county to establish additional election precincts, if they deem it expedient.

[APPROVED JANUARY 31, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board of county commissioners of Dearborn county, may, if they deem that the good of the people and public convenience requires it, establish not to exceed one additional election precinct in any one or more of the townships of said county: *Provided*, That polls shall not be opened in such precincts, for the election of township officers.

SEC. 2. Said board shall upon establishing an additional precinct under the provisions of this act, if they deem it proper to do so, appoint three persons, citizens of the township in which the additional precinct is established, having the qualification required of township trustees of said county, and to continue in office for one year, and until their successors are appointed and qualified, and whose powers and duties in regard to elections, shall be the same as the powers and duties of township trustees in said county now are.

SEC. 3. Said board shall also (in case of establishing an additional precinct as contemplated in the last section,) appoint some person to act as inspector of each precinct so established, who shall serve for one

year, and until his successor is elected and qualified, and whose powers and duties shall in all things in relation to elections, be the same as the powers and duties of township clerks in said county now are.

SEC. 4. Any person appointed to office under this act, shall receive a certificate of his appointment from the county Auditor, and before entering upon his duties take an oath of office.

SEC. 5. The board of county commissioners shall annually, as long as an additional precinct shall be maintained in any of the townships of said county, appoint successors to the persons above authorized to be appointed; said appointment to be made at the end of the year from the making of the first appointment in each township.

SEC. 6. Said board may abolish any precinct that they may establish under this act when they may deem it expedient.

SEC. 7. The inspectors and judges of elections appointed by virtue of this act, shall be exempt from the two days road tax for personal privileges, while serving in said capacity, and no other compensation.

SEC. 8. All laws conflicting with this act are hereby repealed.

SEC. 9. The act to be in force from and after its passage.

CHAPTER CCLXXX.

An act authorizing the location of a State road from Hartford in Blackford county, through New Cumberland in Grant county, to Kokomo in Howard county.

[APPROVED JANUARY 31, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That John Jones of Blackford county, B. W. Furnish of Grant county, and Thomas Cussins of Howard county, be and they are hereby appointed commissioners to view, mark and locate a State road, beginning at Hartford in Blackford county, running thence on the nearest and best route to New Cumberland in Grant county, thence on a county road to the Richmond and Logansport State road at or near John Ricard's farm, thence on another county road running west to Henry Osborns, and thence on the nearest and best route to Kokomo, in Howard county.

SEC. 2. That said commissioners shall, or a majority of them shall, after taking an oath to discharge faithfully and impartially, their duties as such commissioners, proceeed on the first Monday in May next, or on some subsequent day to be agreed on, to view,

mark and locate said road on the route above designated, having due regard to individual rights and the suitableness of the ground over which said road is to be located, so as not to materially increase the distance of said road.

SEC. 3. Said commissioners may if they deem it necessary, take to their aid a surveyor, marker and chain carriers, who together with said commissioners, shall be allowed for their services as follows: the commissioners and surveyor shall be allowed each, one dollar and fifty cents per day, the marker and chain carriers one dollar each per day, to be paid by the said counties through which the road runs, in proportion to the distance of said road in each of said counties: *Provided however*, That the following change in the Indianapolis and Winchester State road, to-wit: commencing at a point on said road directly west of the west end of Jackson street in the town of Muncie, in Delaware county, and running thence in an easterly direction on, and along said street to the east end of said street, and from thence due east until it intersects the Richmond and Logansport State road, be and the same is hereby made, and the above is hereby declared to be a part of said road as fully as if said road had originally, as above described, been located and established on said street, and it is hereby made the duty of the supervisors through whose districts said change passes, to open, and keep in repair said road as by this bill located: *And provided further*, That so much of said State road as now lies northwardly from the points above designated, and north of said Jackson street, be and the same is hereby declared vacated.

SEC. 4. That it shall be duty of said commissioners to file in the auditor's office in each county through which said road may run, within thirty days after the location of said road, a complete statement of said survey and location of said road, which shall be spread on the order book of the board of commissioners of each of said counties.

SEC. 5. When said road is so established, it shall be subject to the general law regulating the opening, working, improving and repairing of State roads.

SEC. 6. This act shall take effect and be in force from and after its passage.

CHAPTER CCLXXXI.

An act to amend the charter of the town of Terre Haute.

[APPROVED FEBRUARY 12, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the taxes heretofore assessed by the common council of the town of Terre Haute, and remaining unpaid, whether for general purposes, or for street grade, be and the same are hereby legalized, and may be collected as hereinafter provided: *Provided*, That the common council of said town may make such alterations in said assessment as to the said council shall seem just.

SEC. 2. That it shall and may be lawful, and the duty of the common council of said town from time to time, to cause the proper precept to be issued for the collection of all such delinquent taxes returned uncollected, or which may have been heretofore returned uncollected, which precept shall be made returnable in ninety days after the issuing thereof, and unless the same are paid, it shall be the duty of the collector in the life time of said precept, to levy and collect by virtue thereof, the said taxes due and to be collected thereon, by distress and sale of the property of the persons against whom the same are charged, and if no goods or chattels of the said person or persons can be found, out of which to make the taxes, the collector shall proceed to make the same by sale of the real estate of such person, in the same manner as is provided in the 42d section of the act to which this is an amendment, and said sale so made shall be as valid and effectual as though the same was made on the second Monday of November of that year.

SEC. 3. If any collector shall fail or refuse to return any precept for the collection of taxes in the return thereof, himself and securities shall be amerced in the amount required to be collected by said precept, and ten per cent. damages thereon to be recovered, by said town in an action of debt on the bond of said collector, in any court having jurisdiction thereof; and if said collector shall return any tax as delinquent when the same might have been collected, he shall be liable as for a false return, and himself and securities shall in like manner be amerced in the amount of said delinquent tax, and ten per cent. damages thereon.

SEC. 4. That hereafter the common council of said town shall have no power to order the grading of any street, or alley in said town, unless two-thirds of the property holders, in amount of property held by them on said street or alley proposed to be graded, shall petition the common council, requesting the same to be done: *Provided*, That the cost of grading and repairing of all side walks,

shall be borne by the owners of the property fronting thereon, and the taxes to defray the expense of the same, shall be levied and collected, as other taxes are levied and collected in said town, and shall be a lien on the property taxed until the same is paid: *Provided*, That it shall and may be lawful for all persons owning property fronting on any street in said town, to grade the street and side walk fronting his or her said lot, under the direction of said common council, and the amount thus expended for grading such street, shall be credited to such person in any general assessment thereafter to be made for grading said street.

SEC. 5. If any person shall feel aggrieved by the grading of any street in said town hereafter ordered to be graded, he may file his petition before said board of common council, setting forth his grievances and claim of damages, thereupon it shall be the duty of said common council to appoint three discreet freeholders, not interested in any manner, to appraise said damages, and said appraisers shall take into consideration the benefits (if any) that said party has received by said grade, and the amount of taxes by him paid for the same and shall report in writing, to said board, the damages if any, sustained by said petitioner, which amount shall be paid out of such street fund, as a part of the expense of the grade of said street: *Provided*, That the petition of no person for damages shall be entertained by the common council, who has joined in the petition for the grade of said street: *And Provided further*, That the petitioner, or the said town may appeal to the circuit court of Vigo county, from the award of said appraisers, at any time within thirty days after the making and filing of said award, which appeal shall be taken and tried in the same manner as appeals are taken from justices of the peace, and if judgment be given against said town upon said appeal, the amount and costs thereof, shall be levied and collected from the property holders on said street, as a part of the expense of the grade thereof.

SEC. 6. In addition to the powers now possessed by the common council of the said town of Terre Haute, it shall be lawful for said council to prevent any riot or noise, disturbance or disorderly assemblage in said town, and they shall have power to authorize the Marshal of said town, with or without process, forthwith to seize and confine in the jail of the county of Vigo, or the town prison, any person or persons engaged therein, until an examination can be had before the proper officer.

SEC. 7. The said common council shall have power to prohibit the erection or continuance of all ball alleys, bowling saloons, nine or ten pin alleys, and to cause the demolition and destruction of the same.

SEC. 8. The said common council shall also have power to license public sales by auction in said town, and public auctioneers in said town, and to prohibit the same in said town without the

party shall first have obtained license therefor: *Provided*, That nothing herein contained shall authorize said common council to interfere in any manner with the sales of executors and administrators.

SEC. 9. Said common council shall further have power, to license hawkers or peddlers to vend their wares within the town or to prohibit the same.

SEC. 10. The said common council shall further have power, to prohibit the vending of lottery tickets, and the drawing of lotteries in said town.

SEC. 11. This act shall be in force from and after its passage: *Provided*, That it shall be lawful for the said common council at its next regular meeting after the passage of this act, and the publication thereof in one or more newspapers in said town, by an order upon its record to reject one or more of the foregoing sections, after which order the said section or sections shall not be in force; but if no part of this act is rejected by said common council, the same and every part thereof shall be in full force.

CHAPTER CCLXXXII.

An act to incorporate the Vanderburgh Manufacturing company.

[APPROVED FEBRUARY 11, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Daniel Sanford, Willard Carpenter, John Ingle, jr., Mathew W. Foster, Robert Barnes, John Mitchel, and Conrad Baker, their associates and successors, be, and they are hereby constituted a body, politic and corporate, by and under the name and style of "The Vanderburgh Manufacturing Company," and by that name may sue and be sued, defend and be defended, answer and be answered unto, in any competent court in this State or elsewhere, and by such name shall make and have a common seal, and the same alter and change at pleasure, and shall be able and capable in law of contracting and being contracted with, and doing all any everything in their business as herein allowed, as natural persons may or can do.

SEC. 2. The said company shall have power to purchase and hold, in fee simple or for years, any quantity of real estate in the

county of Vanderburgh, and State of Indiana, not exceeding one hundred acres, for the purpose of carrying on their business, and shall have power to build, erect, and establish thereon, mills, buildings, houses, manufacturing establishments, and machinery of every description, for the purpose of manufacturing cotton, wool, flax, hemp, and paper.

SEC. 3. The capital stock of said company shall not exceed the sum of five hundred thousand dollars, and shall be taken in shares of fifty dollars each, to be subscribed for as hereinafter directed, and as soon as twenty-five thousand dollars thereof shall be subscribed for and paid in, or secured to be paid, the said company may commence operations.

SEC. 4. That books for the purpose of procuring subscriptions to said stock shall be opened at the city of Evansville and elsewhere, under the direction of the above named persons, or any one they may appoint, and under such restrictions and limitations as they may direct, and the same shall be paid to the company in such installments, and under such forfeitures as may be directed by the by-laws, rules, and regulations of the company, made from time to time, by the above named commissioners, or by the directors of said company: *Provided*, That subscribers for stock in said company shall be liable for the amount of their respective subscriptions in a suit at law in any court of competent jurisdiction.

SEC. 5. That the stock, property, estate, and concerns of said company, shall be managed by seven directors, who shall be stockholders, and shall be elected by the stockholders in such manner as may be directed by the by-laws of the company on the first Monday in June of each year: *Provided*, That if, for any reason, the stockholders shall neglect to elect on that day, they may meet and elect on any other day, to be appointed by the directors, and ten days' notice given thereof in some newspaper published in the county of Vanderburgh: *Provided, also*, That the stockholders shall have one vote for every share of stock they may own in said company, and may vote by proxy, and a majority of the votes of said company given at any such election shall elect.

SEC. 6. The above named persons shall be the first directors of said company, and shall hold their offices until others are duly elected and qualified, and may, in their discretion, order an election on the first Monday in June next, or not, as they may think best, and shall after that time order an election on the first Monday of June succeeding the taking and securing the payment of twenty-five thousand dollars of the stock of said company.

SEC. 7. The persons above named may, at any time and place, to be agree upon by a majority of them, proceed to organize by appointing one of their number as president, and also by selecting a secretary, to be taken from among themselves, or elsewhere, and the directors elected as provided for in this act shall in like manner

elect one of their own body as president, and a secretary as above, and when thus organized may proceed to business.

SEC. 8. That said directors shall have power to fill all vacancies in their body, whether it occurs from non-acceptance of office, death, resignation, or otherwise, which person so appointed shall be a stockholder, and shall hold his office until the next annual election and until his successor is elected and qualified; and four of the directors thus appointed or elected shall at all times be a quorum to transact business.

SEC. 9. That the directors thus elected or appointed shall have the power, from time to time, to adopt all such needful rules and regulations, and to pass all such by-laws as may be necessary for their good government and to carry out the objects of the charter, and shall in such by-laws point out the mode by which stock may be sold or transferred, which by-laws, the same not being inconsistent with the constitution and laws of this State, shall be binding on the stockholders and officers of said company.

SEC. 10. The directors aforesaid shall have power to appoint all officers, agents, clerks, and secretaries necessary to carry out the matters and things contemplated by this act; they shall have power to take security on either personal or real estate, for any contract, work or performance on their part entered into or done, and may purchase and hold any personal or real estate, which may be sold by virtue of any execution or process issued on any judgment or decree rendered by any court in favor of said company, and may sell and convey said estate at their pleasure; and the said directors shall keep books of accounts, in which all their accounts shall be kept and posted, which books shall be open for and subject to the inspection of the stockholders at all times.

SEC. 11. That said company shall not engage in any business operation by which they would furnish the community with a circulating medium of any description; and the stockholders shall be individually liable for the amount of the stock which they may severally subscribe and which is not paid into said corporation; and the president and directors shall be individually liable for all debts contracted by them over and above the solvent stock of said company at the time of contracting such debts; that it shall not be lawful for said company to declare any dividend when the debts of the company exceed their solvent credits.

SEC. 12. This act shall take effect and be in force from and after its passage.

CHAPTER CCLXXXIII.

An act to authorize the building of a Bridge across Laughery creek by Andrew Morgan.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Andrew Morgan, his agent, heirs or assigns, be and they are hereby authorized to erect and build, at his or their own expense, a toll bridge across Laughery creek at or near the place where the Lawrenceburgh and Rising Sun State road crosses said creek.

SEC. 2. Said bridge shall be at least twenty feet wide, with good and sufficient hand railing on each side, and in all other respects strong and convenient for the safe passage of all travelers and other persons, cattle of every kind and carriages of every description.

SEC. 3. Whenever the said bridge shall be completed, the said Morgan, his agent or assigns, may erect a gate at either end of said bridge and demand and receive a toll, not exceeding the following rates to-wit: for every four wheeled carriage, wagon or other vehicle drawn by one horse or other animal, a sum not exceeding five cents; for every horse or other animal in addition, five cents; for every cart, chaise, or two wheeled carriage or vehicle drawn by one horse or other animal, not exceeding five cents; for every horse or other animal in addition, five cents; for every sled or sleigh drawn by one horse or other animal, five cents; for every horse or other animal in addition, five cents; for every coach, chariot or other four wheeled pleasure carriage drawn by one horse or other animal, not exceeding ten cents; for every horse or other additional animal, five cents; for every horse and rider, five cents; for every horse, mule, or ass, six months old or upwards, led or driven, not exceeding two cents; for every head of neat cattle six months old and upwards, two cents; for every hog and sheep, one cent: *Provided*, That all persons going to or returning from funerals, public township [worship,] or militia musters, shall pass said bridge free of toll: *Provided also*, That the county commissioners of Dearborn county, at any regular session thereof, may change said rates of toll as they may deem just and proper, having reference to the usual rates charged by similar toll bridges.

SEC. 4. If any person shall forcibly, fraudulently or otherwise pass the toll gate on said bridge, without having paid legal toll, he, she, or they shall forfeit to the said Morgan, his agent or assigns, four times the amount of the legal toll, to be recovered by an action of debt before any justice of the peace.

SEC. 5. If any toll gatherer shall unreasonably delay or hinder any passenger at the gate, or shall receive or demand more than the legal toll, the owner shall forfeit, for every such offence, the sum of five dollars, to be recovered before any justice of the peace, to the use of the person so unreasonably hindered delayed or defrauded.

SEC. 6. It shall be the duty of the owner of said bridge to keep up in some convenient place on said bridge, where the toll shall or may be received or collected, a list of the rate of toll allowed to be received, which list shall be printed in large English print.

SEC. 7. If any person or persons shall willfully impair or injure said bridge, or cause the same to be injured, by digging the dirt on or in the banks of the creek in the vicinity of the bridge, or in any other manner whatever, he, she or they so offending, shall forfeit and pay not less than three, nor more than three thousand dollars on conviction thereof, by indictment, and shall moreover be liable to the owner for treble the amount of damages sustained, with cost of suit, to be recovered in an action of trespass in any court of competent jurisdiction.

SEC. 8. That no other person or persons, company or body politic, shall be authorized to establish a ferry or build a bridge over said creek within one mile of said bridge, after said bridge shall be completed for passengers, for and during the time said bridge shall be kept in repair: *Provided*, That nothing in this act shall be so construed, as to prevent any person or persons from passing above or below said bridge at any time they may see proper.

SEC. 9. *And be it further enacted*, That unless the said Andrew Morgan shall, within three months from the 1st day of March, 1851, begin the construction of said bridge, and proceed with the same with all reasonable dispatch, so as to have the said bridge completed in a good, safe, durable, convenient and substantial manner, by the 1st day [of] March, 1852, then and in that case all rights conferred upon the said Andrew Morgan by this act, shall cease and be forfeited; in that case William S. Speakman, Thomas W. Pate, Levi E. Harris, George W. Law, John S. French, Jona. Chambers, and Benjamin Sylvester and their successors in office, are hereby declared to be a body politic and corporate, by the name of the "Laughery Bridge Company," and by that name shall have power to sue and be sued, plead and be impleaded, answer and be answered unto, in all courts of justice of this State, and also to contract and be contracted with.

SEC. 10. At any time after the 1st day of March, 1852, said directors may cause books to be opened for the subscription of stock in said company; the stock of said company shall not be less than five nor to exceed twelve thousand dollars, and shall be divided in shares of fifty dollars each, and shall be paid in such installments as the board of directors of said company shall direct, but at least

four-fifths of the amount subscribed by any stockholder, shall be paid within twelve months from the time the stock is subscribed.

SEC. 11. As soon as five thousand dollars of stock is subscribed, an election shall take place for seven directors of said company, and each stockholder shall be entitled to one vote for each share of stock by him subscribed, but no one stockholder shall be entitled to more than twenty votes, and the directors shall be elected from the stockholders.

SEC. 12. Said directors shall appoint from their own number, when elected, a president, and shall also appoint a treasurer and secretary, and require from them such bond as they may see proper, and may appoint such other agents and servants as may be necessary to enable them to carry out the purposes of the charter.

SEC. 13. The officers of said company shall serve for one year after their appointment, and until their successors are elected and qualified, and it shall be the duty of the directors of said company annually, to fill the vacancies that occur in the office of president, treasurer and secretary, and also from time to time fill all vacancies that may occur by death, resignation or otherwise; when an appointment shall be made to fill a vacancy occasioned by death or resignation, it shall be for the residue of the time of the predecessor; the directors first elected shall serve a year and until their successors are elected and qualified, and an election for directors shall take place each year, at some time on the same month that the first election for directors took place.

SEC. 14. A month's notice of the time and place of electing directors, shall be given immediately preceding each election, in some newspaper printed in Dearborn or Ohio county.

SEC. 15. Should Andrew Morgan forfeit the rights conferred upon him by this act, as above provided for, then all the rights, privileges and immunities conferred upon him by this act, shall enure to and be conferred upon and enjoyed by the said Laughery Bridge Company, and the said company shall possess all the rights, and be subject to all the obligations that the said Andrew Morgan would have possessed, and shall do all things that the said Andrew Morgan is required to do by the provisions of this act, and be subject to all the liabilities and penalties that said Morgan is subject to, except as hereinafter stated.

SEC. 16. As soon as the privileges granted by this act accrue to said company, or within three months after, said company shall commence the erection of said bridge, and shall progress with the same with reasonable dispatch, and shall complete the same within one year after commencing the same.

SEC. 17. Should said company fail to comply with the last preceding section of this act, they shall forfeit all right under this act: *Provided however*, That from and after twenty years from the building

of said bridge, it shall be lawful for the county commissioners of Dearborn or Ohio county to purchase the same by paying to the owner or owners thereof, the cost of construction or whatever may be agreed on by said parties not exceeding the aforesaid sum,

SEC. 18. This act shall be deemed a public act, and be in force from and after its passage.

CHAPTER CCLXXXIV.

An act to exempt from taxation the Marine Hospital at Evansville, Indiana.

[APPROVED FEBRUARY 6, 1851.]

WHEREAS, By an act of Congress, passed at its last session, an appropriation of ten thousand dollars was made for the purchase of a site, and the erection of a Marine Hospital on the same, at Evansville, Indiana;

AND WHEREAS, The erection of said hospital will be a great public benefit to the citizens of Indiana, and others;

AND WHEREAS, The fee simple of the same, and the land on which it is erected will be in the United States;

AND WHEREAS, We believe the same should not be taxed for State, county, or corporation purposes, therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That said Marine Hospital, the lands on which it is located, and the real and personal estate belonging to the same, be and the same is hereby exempted from all taxes of every kind, whether State, county or otherwise.

SEC. 2. That this act shall take effect and be in force from and after its passage.

CHAPTER CCLXXXV.

An act to incorporate the New Trenton and Southgate Bridge and Road Company.

[APPROVED FEBRUARY 11, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That John Kuecht, John Spradling, jr., Richard Wood, Alexander Johnson, Joseph Weber, Samuel Davis and Ephraim R. Rockafeller and their associates, be and they are hereby constituted a body politic and corporate, by the name and style of "The New Trenton and Southgate Bridge and Road Company," and by and in their corporate name and capacity, may sue and be sued, plead and be impleaded in any court of competent jurisdiction, and enjoy all powers necessary for the construction and maintenance of a bridge over Whitewater river, at such place between New Trenton and Southgate as said company may consider best for its purpose, and said company may collect such toll for the passage over said bridge, as may be fixed by the commissioners of the county of Franklin.

SEC. 2. Said company in the construction of a good and substantial road, shall have all the powers given by the general laws of this State, for the construction of plank roads, and be governed in all things by this act, and an act authorizing the construction of plank roads, approved January 15, 1849, and the acts amendatory thereto: *Provided however*, Said company, may organize, and commence the work whenever good stock to the amount of two hundred dollars per mile, shall have been subscribed.

SEC. 3. This act shall be a public act and take effect from and after its passage.

CHAPTER CCLXXXVI.

An act to amend an act entitled "an act to incorporate the Trustees of the Hartsville Academy," approved January 12, 1850.

[APPROVED FEBRUARY 8, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Hartsville Academy, shall hereafter be called and known by the name of the Hartsville University, and the act to which this is an amendment, be and the same is hereby so amended that the word University shall in all cases be used instead of Academy.

SEC. 2. From and after the passage of this act, the Indiana and White river annual conferences of the church of the United Brethren in Christ, or such other conferences of said church as may at any time co-operate with them, shall present a list of names of persons from which the board of Trustees of said Hartsville University shall select to fill all vacancies in the same.

SEC. 3. Said board may possess and hold by deed or otherwise, any lands, tenements, or other hereditaments, whatever, not exceeding in value at any time the sum of two hundred thousand dollars.

SEC. 4. Said board shall not be restricted to their own body in the election of a treasurer and secretary, and shall have power to sell scholarships, and invest the principal in real estate or loan at interest at any rate not exceeding seven per cent. per annum; said principal to constitute a permanent fund forever, the interest and profits of which only shall be used.

SEC. 5. Whenever the board shall deem it conducive to the interest of said University to establish a law, or a medical department therein, they shall have power so to do, and to possess real estate and other property necessary therefor, in addition to the real and personal estate allowed to be held by the third section of this act.

SEC. 6. All parts of the act to which this is an amendment, which come within the purview of the provisions of this act, be and the same are hereby repealed.

SEC. 7. This act to take effect and be in force from and after its passage.

CHAPTER CCLXXXVII.

An act establishing a state road in the counties of Orange and Crawford.

[APPROVED FEBRUARY 6, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Archibald S. Tucker, of Crawford county, and Abner McDonald, Samuel Parks, and John Tillery, of Orange county, be, and they are hereby appointed commissioners to view, mark, and locate a state road, commencing at Hartford, in Crawford county, thence on the nearest and best route to Samuel Park's mill, and thence to French licks, in Orange county; said commissioners in locating said road as above designated shall do the same in such manner as shall be calculated to damage least the farms through which said road shall run.

SEC. 2. The said commissioners, or a majority of them, shall meet at Hartford, in Crawford county, on the first Monday of September next, or as soon thereafter as they shall agree upon, and after taking an oath or affirmation, faithfully and impartially to discharge their duty as such commissioners, they shall proceed to view, mark, and locate said road agreeably to the points and courses designated in the first section of this act, and in all things the said commissioners shall be governed by the laws now in force, except so far as the provisions of this act shall conflict with the same, and shall file a statement of said location in the office of the auditor of each county through which said road may run.

SEC. 3. The board doing county business in each county through which said road runs shall make all allowances to said commissioners for their services, as may seem just and reasonable.

SEC. 4. This act to be in force from and after its passage and publication.

CHAPTER CCLXXXVIII.

An act for the relief of Ann Blythestone of Allen county.

[APPROVED FEBRUARY 11, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the auditor of state is hereby directed to draw his warrant on the treasurer of state in favor of Ann Blythestone, of Allen county, for the sum of two hundred dollars, which shall be in full for all damages done to the lands of said Ann by the erection of the St. Joseph Feeder dam, in Allen county.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCLXXXIX.

An act to incorporate the New Albany Hotel Company.

[APPROVED FEBRUARY 6, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Somerville E. Leonard, James Montgomery, Phineas M. Kent, Ashbel P. Williard, John Brown, William Speake, and Samuel H. Owen, and their successors and assigns, be, and they are hereby made a corporation, by the name of the New Albany Hotel Company, for the purpose of constructing, furnishing, and keeping suitable buildings for a hotel in the city of New Albany and county of Floyd, and for this purpose shall have all the powers and privileges, and be subject to all the duties and requisitions contained in the revised statutes of 1843, chapter 32, article 2, entitled "General provisions respecting corporations."

SEC. 2. The capital stock of said corporation shall not exceed fifty thousand dollars; and the said corporation may be lawfully seized and possessed of such real estate as may be necessary and convenient for the purposes aforesaid.

SEC. 3. Said corporation shall have power from time to time to

borrow such sums of money as may be necessary and convenient for the purposes aforesaid, and execute such bonds, mortgages, or other security for the repayment of said money and interest as may [be] agreed upon by the parties.

SEC. 4. This act to take effect and be in force from and after its its passage.

CHAPTER CCXC.

An act to legalize the acts of the late treasurer of Elkhart county, and to extend the time of paying taxes in said county.

[APPROVED FEBRUARY 6, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the acts of Elias Carpenter, late treasurer of Elkhart county, either in receiving taxes, or selling land or other property in the collection of taxes, in said county, is hereby acknowledged and legalized.

SEC. 2. The time for settlement with the state treasurer is extended to the treasurer of Elkhart county until the third Monday of March next, and no penalty for the non-payment of taxes in said county for the year 1850 shall attach until after the expiration of that time.

SEC. 3. This act shall be in force from and after its publication in the Goshen Democrat.

CHAPTER CCXCI.

An act to relocate a State road in DeKalb county.

[APPROVED FEBRUARY 11, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Daniel Moody, John C. Harsh, and Samuel W. Sprott, of DeKalb county, be, and they are hereby appointed commissioners to view and relocate so much of the State road from the Ohio State line to Northport, in Noble county, as passes over section 26, in township 35 north, range 13 east, in said county, or along the line or lines of said section.

SEC. 2. It shall be the duty of said commissioners, on the first Monday in June next, or at such time thereafter as a majority of said commissioners may agree upon, to meet at the house of Isaac B. Smith, in said township, and after having taken the oath prescribed by law, to proceed to view and establish said road at such place and over such ground as in their opinion would best suit the public convenience, having due regard to private rights and interests, and make a report of their proceedings to the clerk of the township of Smithfield within ten days thereafter, and which report it is hereby made the duty of said clerk to record in the record book of the trustees of said township; and which said road when so recorded shall be opened and repaired according to law.

SEC. 3. The township trustees of said township of Smithfield shall make to said commissioners respectively a reasonable allowance for their services, and which allowance shall be paid out of the treasury of said township.

CHAPTER CCXCII.

An act declaring Mill creek in Morgan county a public highway.

[APPROVED FEBRUARY 5, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Mill creek, in Morgan county, shall be and the same

is hereby declared to be a public highway, and John Ratliff and Lawrence Leonard shall superintend the first year, and call all persons subject to road labor, and cut and open said stream, and shall be governed in all respects by the road laws, and shall work said stream two days; the persons subject to work said stream are those who live in the road district in which said stream lies.

SEC. 2. After the expiration of one year the several supervisors in their several districts shall superintend said stream, and the county board in Morgan county shall allow the above superintendents a reasonable compensation for their services.

SEC. 3. The above act shall not interfere with any mill seat on said stream.

SEC. 4. All acts or parts of acts conflicting with this act are hereby repealed.

SEC. 5. This act to be in force and take effect from and after its passage.

CHAPTER CCXCIII.

An act for the relief of the administrator of the estate of Albert Monson, late of St. Joseph county, deceased.

[APPROVED FEBRUARY 6, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the administrator of the estate of Albert Monson, late of St. Joseph county, deceased, be, and he is hereby authorized and empowered to sell and dispose of, as personal property, all or any certificates of lands sold for taxes of which said deceased may have died legally possessed.

SEC. 2. Before such administrator shall sell and dispose of any such tax certificates he shall first have the same inventoried and appraised in the same manner as is provided by law for the inventorying and appraisement of the personal property of decedents' estates, and sale thereof shall be made in the same manner as is provided by law for the sale of personal property by executors and administrators.

SEC. 3. Upon the sale of any such certificate by said administrator, he shall assign and deliver the same to the purchaser or purchasers thereof in the same manner as is provided by law for the assignment and transfer of such certificates; but such assignment shall be made by said administrator without any recourse against him either in his individual or fiduciary character, or against the heirs of said deceased, and such assignment and delivery shall vest all the rights and advantages in such purchaser or purchasers which would have vested in him or them if the said deceased were alive and made such assignment; and said administrator shall make return into the probate court of the inventory and account of sales of said certificates in like manner as is provided by law in cases of the appraisement and sale of the personal estate of decedents.

SEC. 4. This act to take effect from and after its passage.

CHAPTER CCXCIV.

An act providing for electing township assessors in Rush county.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the qualified voters of each township in Rush county be and they are hereby authorized at their next April election to elect a township assessor for each township in said county who shall hold his office for two years.

SEC. 2. Said electors shall be authorized every two years thereafter to elect township assessors.

SEC. 3. Said township assessors shall take the oath and give the bonds required by county assessors, and in their respective townships perform the duties of county assessors.

SEC. 4. All laws requiring the election of county assessors in Rush county be and the same are hereby repealed so far as they apply to Rush county.

SEC. 5. This act shall take effect and be in force from and after its passage.

CHAPTER CCXCV.

An act authorizing the secretary of state to issue a Patent to Daniel K. Smith for a tract of land therein named.

[APPROVED FEBRUARY 5, 1851.]

WHEREAS, On the 23d day of September, 1846, a Patent was issued by the State of Indiana, and was delivered to Daniel K. Smith, of Cass county, Indiana, for the west half of the north-east quarter of section No. 15, in township No. 26 north, of range No. 3 east, founded on the final certificate of the superintendent of the Wabash and Erie canal, numbered 3394;

AND WHEREAS, In both said certificate and patent, an error was committed in the surname of the said Daniel K. Smith, he being styled therein Daniel K. Small; therefore, to correct said error,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That upon the surrender by the said Smith to the secretary of state of said erroneous patent, that officer be and he is hereby required to issue to the said Daniel K. Smith a new patent for said tract of land, in all respects similar to the existing patent with the exception that Smith be substituted for Small.

SEC. 2. This act shall be in force from and after its passage.

CHAPTER CCXCVI.

An act to authorize the city of Madison to borrow money.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the common council of the city of Madison is hereby authorized to issue a sufficient amount of the bonds of said city, in any denomination not less than five hundred dollars each, to enable said city to pay off all debts now owing by her for which orders have not been drawn upon the city treasury: *Provided*, the aggregate of all such bonds shall not exceed the sum of twenty thousand dollars.

SEC. 2. Said bonds may be made payable at any time within twenty years and may bear any rate of interest not exceeding seven per cent. per annum, payable semi-annually, and may be sold at any price not less than ninety cents to the dollar; the proceeds to be applied to the purposes aforesaid and no other.

SEC. 3. Said common council shall, from time to time, set apart and appropriate a sufficient amount of the revenues of said city to meet the interest on all bonds issued by virtue of this act, and if they deem it expedient, to create a sinking fund for the redemption of the principal, which sinking fund may, by order of said common council, be invested in said bonds, or in such other securities as said council may direct.

SEC. 4. This act shall take effect and be in force from and after its passage.

CHAPTER CCXCVII.

An act to change the name of Joseph Grandison Jones to that of Joseph Grandison Talbot.

[APPROVED FEBRUARY 6, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the name of Joseph Grandison Jones, [of Covington,] in the county of Fountain, and State of Indiana, be, and the same is hereby changed to that of Joseph Grandison Talbot.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCXCVIII.

An act to amend an act entitled, "an act to incorporate the Connersville and Brownsville Turnpike Company, approved 16th January, 1849.

[APPROVED FEBRUARY 7, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the act entitled an act to incorporate the Connersville and Brownsville Turnpike Company, approved January 16, 1849, be and the same is hereby revived and declared in full force in law.

SEC. 2. So soon as four thousand dollars are subscribed, either in cash or real estate, as a part of the capital stock of said company, and when ten per cent. thereon is either paid in cash or cash notes, payable to the board of directors, the said company shall be considered duly organized, and the stockholders may be notified thereof, and an election ordered according to the 7th (seventh) section of the original act of incorporation.

SEC. 3. If any person or persons, using any part of said road, shall with intent to defraud said company pass through any private gate or bars, or along any other ground near said road to avoid any toll gate, or shall make any untrue statement as to the distance he or they may have traveled, or intend to travel on said road, or practice any fraudulent or forcible means to avoid the payment of toll, each and every person concerned in such practice, shall for every such offence forfeit and pay to said company, the sum of five dollars, which may be recovered in an action of debt at the instance of said company, before any court in the county having competent jurisdiction, with costs of suit, without stay of execution or the benefit of the appraisement laws of this State: *Provided however*, Nothing herein contained shall prevent persons residing on or near the line of said road, from passing thereon between the gates about their ordinary or common business.

SEC. 4. This act to be in force from and after its passage, and all laws or parts of laws conflicting with the provisions of this act are hereby repealed.

CHAPTER CCXCIX.

An act authorizing the Western Plank Road Company to issue and sell bonds.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Western Plank Road Company, incorporated under the provisions of an act entitled, "an act to incorporate the Western Plank Road Company," approved January 14, 1850, for the purpose of constructing a plank road from the eastern side of the county of Clay, through the counties of Vigo, and Clay, to the western line of the county of Vigo, be and they are hereby authorized to sell so many of their bonds, not exceeding ten thousand dollars, from time to time as shall be necessary to enable said company to construct their road: *Provided*, That no bond shall bear a greater interest on its face than six per centum, nor run longer than five years, nor shall any bond be sold for less than eighty-five dollars to the one hundred dollars on the face of such bonds.

SEC. 2. That the word "eastern" where it occurs the second time in the tenth line of the first section, in connection with the words, "to the eastern line of Vigo county," is hereby declared to be a misprint and stricken out and the word "western" substituted, so as to read to the western line of Vigo county.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CCC.

An act to amend an act entitled, "an act to incorporate the Rushville and Muncietown Railroad Company," approved January 21, 1850.

[APPROVED FEBRUARY 12, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section twenty-two of an act entitled, "an act to incorporate the Rushville and Muncietown Railroad Company," ap.

proved January 21, 1850, also so much of an act entitled, "an act to authorize the construction of a railroad from Rushville to Lewisville in Henry county," approved January 19, 1850, as reads as follows, to-wit: "or to any other point or town on the National road distant at least fifteen miles from Knightstown," be and the same are hereby repealed.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER CCCI.

An act to vacate a portion of a certain State road.

(APPROVED FEBRUARY 5, 1851.)

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That so much of the State road located by Samuel McCormick, under an act of the Legislature, entitled an act to locate a State road in the counties of White, Jasper and Tippecanoe, approved January 15, 1849, as lies between the section line, dividing sections one and twelve, in township twenty-three north, of range five west, and the point south thereof, where the plank road of the Western Plank Road Company crosses said State road, be and the same is hereby vacated.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCCII.

An act to amend the act to incorporate the Brookville and Connersville Turnpike Company.

[APPROVED FEBRUARY 11, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the president and directors of the Brookville and Connersville Turnpike Company, be and they are hereby, with the consent of the majority of the stockholders, authorized to assess and collect ten dollars upon each share of stock subscribed to said company, prior to January first, 1850.

SEC. 2. This act to be in force from and after passage.

CHAPTER CCCIII.

An act to annex the town of Belleville in the county of Posey, to the town of Mount Vernon.

[APPROVED FEBRUARY 4, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the town of Belleville in the county of Posey, and all the lots and parcels of lands, lying between said town of Belleville and the town of Mount Vernon in said county, be and the same are hereby annexed to and made a part of said town of Mount Vernon, and shall be governed by and subject to the laws now in force, and that may hereafter be made in relation to said town of Mount Vernon.

SEC. 2. The name of said town of Belleville is hereby changed to Kimball's enlargement of the town of Mount Vernon.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CCCIV.

An act in relation to a certain road and street therein named.

[APPROVED FEBRUARY 8, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all that part of Water street lying west of Michigan street, in the town of South Bend, St. Joseph county, Indiana, shall be and the same is hereby reduced to the original width of eighty-two and a half feet (82½) as recorded in the original plat of said town, and that the lots bordering on either side of said street shall be extended to the original size, and shall hereafter remain as they were originally recorded in the records of said county, and also, that the Michigan road, after it diverges from and leaves the western end of water street, on the original plat of said town, shall be reduced to the said width of eighty-two and a half feet (82½,) until it passes the western end or part of out-lot number one, in Hendricks and Grant's addition to the town of South Bend.

SEC. 2. That the parts of lots and land thus attached, shall become the property of the rightful owners, who now have the legal title thereto according to law, to the balance of said lots or parts of lots or land on either side of said street, and road, as aforesaid, in equal proportion, according to the length or breadth of said lots or parts of lots or land, as the same may border on either side of said street or road.

SEC. 3. That all laws or parts of laws contravening any of the provisions of this act, be and the same is hereby repealed.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER CCCV.

An act to enable Thomas G. Alvord to file his bill in chancery in the Laporte circuit court.

[APPROVED JANUARY 4, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Thomas G. Alvord, of Laporte county, is hereby authorized to file his bill in chancery for a divorce against his wife, Amelia Ann, in the Laporte circuit court, at the next or any subsequent term of said court; and the said court shall proceed with the trial of said cause and under a decree therein in the same manner as if the said Alvord had been resident of this State for one year prior to the time of filing said bill, and proof of such residence shall not be required by said court.

SEC. 2. Immediately on the filing of said bill, notice may be given to said Amelia Ann and depositions taken therein, and used, and read on the trial of said cause, subject to the usual rules of law, without waiting for the expiration of any time after notice of the pendency of said bill, by publication or otherwise: *Provided*, That if the said court shall be satisfied that personal notice of the pendency of such suit has been served upon said Amelia Ann at least thirty days prior to the trial of said cause the said court shall proceed to hear and determine said cause in the same manner as if notice had been given as now provided by law, and the same shall be good service in law.

SEC. 3. This act shall be a public act and shall be in full force from and after its passage.

CHAPTER CCCVI.

An act to incorporate the Vernon Insurance, Life and Trust, Trading, and Manufacturing Company.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Edward M. Sharp, Ebenezer Baldwin, Smith Vawter,

Hagerman Tripp, Hiram Prather, Alanson Andrews, David G. Vawter, Jacob Clinton, James Goodhue, E. F. Peabody, and Uriah Branham, and all other persons who may hereafter become members of said company in the manner herein prescribed, be, and they are hereby incorporated and made a body politic, by the name of "The Vernon Insurance, Life and Trust, Trading, and Manufacturing Company," and their successors, and by that name may sue and be sued, plead and be impleaded, appear, prosecute, and defend, in any court of record whatever; may have and use a common seal, may purchase and hold such real and personal estate as may be necessary to carry into effect the object of their association, not exceeding the amount of three hundred thousand dollars, with full power to acquire, hold, possess, use, occupy, and enjoy, and the same to sell, convey, and dispose of all such real and personal estates as shall be necessary and convenient for the transaction of its business, or which may be conveyed to said company for the security or in payment of any debt which may become due and owing to the same, or in satisfaction of any judgment of any court of law, or any order or decree of any court of equity in their favor, and may ordain, establish, and put into effect any order, by-law, rules, and regulations, as shall be necessary and proper for the good government of said company and effectual management of its affairs: *Provided*, The same does not conflict with the constitution of the United States and the State of Indiana.

Sec. 2. That the said corporation shall have full power and lawful authority to insure all kinds of property against loss or damages by [fire,] or any other cause of risk, to make all kinds of insurance against loss or damage on goods and merchandize, whether on land or on water, on vessels or boats wherever they may be, to make all kinds of insurance upon life or lives, to be insured against any loss or risk they may have incurred in the course of their business and against any maritime or other risk upon the interest which they may have in any vessel, boat, goods, merchandize, or other property by means of any loan or loans which they may make, or mortgage good and responsible, and generally to do and perform all other necessary matters and things connected with and proper to promote their objects.

Sec. 3. That it shall be lawful for said company to invest any part of their capital stock, money, funds, or other property, in stock or funds, debts created or to be created, by or under any law of the United States or of this State, and the same to sell and transfer at pleasure, and again to invest the same or any part thereof in such stocks or funds, whenever and so often as the exigencies of said corporation as a due regard to the safety of its funds may require; or they may loan the same or any part thereof to individuals or corporations, and upon such terms, not exceeding six per cent. per annum, as the directors for the time being shall deem prudent

and best for the interest of said company. That the office of the Vernon Insurance, Life and Trust, Trading, and Manufacturing Company be and the same is hereby made an office of discount, and deposit of promissory notes and bills of exchange, and to receive cash and bank bills of any incorporated bank on deposit, for such time and on such interest as may be agreed on, not exceeding ten per cent., and to discount or loan the same: *Provided, however*, That all deposits made in said office shall be refunded and paid by said corporation on demand, in specie or its equivalent, except where special contracts are made, which shall be refunded and paid as agreed upon: *Provided, also*, That it shall not be lawful for said corporation to issue or emit any bills of credit or any bill payable to order or bearer as a circulating medium of trade or exchange, or in any manner engage in the business or operation of banking, otherwise than in the purchase and sale of bank stocks as aforesaid: *Provided, further*, That if after the adoption of the new Constitution the General Assembly should pass a general free banking law, the said Vernon Insurance, Life and Trust, Trading, and Manufacturing Company may avail themselves of the provisions and privileges of said general free banking law, and shall have all the powers given by said general free banking law that are given to any bank operating under said general free bank law.

Sec. 4. The said Vernon Insurance, Life and Trust, Trading, and Manufacturing Company may, if they desire, go into and carry on any and all branches of manufacturing, and shall have and enjoy all the rights, privileges, and immunities now granted to any and all that are now granted by the law governing any of the manufacturing companies of the State of Indiana; and the said Vernon Insurance, Life and Trust, Trading, and Manufacturing company shall have the power, if they deem it to be the interest of the same, to avail themselves of the benefits of any and all general laws that may, from time to time, be passed on the subject of incorporations, or any general law on the subject of chartered companies.

Sec. 5. The Vernon Insurance, Life and Trust, Trading, and Manufacturing Company shall have power to re-organize their board of directory, from time to time, as to them may seem best for the interest of said company; they may increase or diminish the number of directors: *Provided*, That they shall never reduce the number below five or increase the number above twenty, a majority of whom shall constitute a quorum to do business.

Sec. 6. For the purpose of organizing said Vernon Insurance, Life and Trust, Trading, and Manufacturing Company, it is hereby made the duty of Edward M. Sharp, one of the members of said incorporation, or some other members of said company, to call the other members of said company together for that purpose, and when a majority of said company shall have been so met, they shall have

full power to elect their own officers, make their own by-laws, and do and perform any and all things necessary for the perpetuity and good government of said company: *Provided*, The same does not conflict with the constitution and laws of this State governing the organization of like companies.

Sec. 7. That the capital stock of said company shall not at any time exceed the sum of three hundred thousand dollars, and shall consist and be made up of shares of fifty dollars each, one hundred of which shall have been subscribed for and at least ten per cent. thereof paid in, in cash, and the remainder secured to the satisfaction of said directors, before such company shall, under this charter, be allowed to commence business.

Sec. 8. *Provided*, That all moneys, deposited as provided in the third section of this act, shall have precedence in payment over all other debts or liabilities of said company: *And provided, further*, That each and every stockholder therein shall be held liable in his individual capacity for the amount of his individual stock in said company.

Sec. 9. This act shall be construed liberally, and take effect and be in force from and after its passage.

CHAPTER CCCVII.

An act to authorize the construction of a mill-dam across the Tippecanoe river in the county of White.

[APPROVED FEBRUARY 12, 1851.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That John Hillman, his heirs or assigns, be and are hereby authorized to construct a mill-dam across the Tippecanoe river, in the county of White at his lands in said county about one mile below the town of Monticello, in said county.

Sec. 2. That the said John Hillman shall be entitled to all the benefits of the writ of ad quod damnum to condemn the lands necessary for their use to build said dam.

Sec. 3. This act to be in force from and after its passage.

CHAPTER CCCVIII.

An act to vacate an alley in the town of Greencastle in Putnam county.

[APPROVED FEBRUARY 8, 1851.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the alley dividing the block of lots composed by lots numbers one hundred and twenty seven, (127) one hundred and twenty-eight, (128,) one hundred and twenty-nine, (129,) and one hundred and thirty, (130,) as described on the original plat of the town of Greencastle, Putnam county, be and the same is hereby vacated.

Sec. 2. This act shall be in force from and after its passage.

CHAPTER CCCIX.

An act to repeal a Plank Road law of Huntington and Whitley counties.

(APPROVED FEBRUARY 14, 1851.)

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That an act entitled "an act to enable the inhabitants of the counties of Huntington and Whitley to construct plank roads," approved February the 14th, A. D. 1850, be, and the same is hereby repealed.

Sec. 2. This act to be in force from and after its passage.

CHAPTER CCCX.

An act to vacate a part of Gilmore's addition to the village of Angola in Steuben county.

[APPROVED FEBRUARY 10, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all of that part or portion of Gilmore's addition to the village of Angola which lies south of the village of Angola, in the county of Steuben, according to the original plat thereof, as the same stands recorded on the record of said county, be and the same is hereby vacated.

SEC. 2. This act shall be in force from and after its passage.

CHAPTER CCCXI.

An act to amend an act entitled "an act requiring the supervisors of roads in Coal Creek township, in Montgomery county, to keep the same in repair, and for other purposes therein contained.

[APPROVED FEBRUARY 8, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it be and is hereby made the duty of the supervisors of the roads in the several road districts in Coal Creek township, in the county of Montgomery, to cause to be opened all State roads crossing the creek, called by the name of Coal creek, in said township, to the width of sixty feet, and all county roads to the width of forty feet, in said township.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCCXII.

An act to authorize the treasurer of Laporte county to charge a per centage on road tax receipts.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the treasurer of the county of Laporte be and he is hereby authorized to charge and receive the usual per centage or commission on all receipts for road work by him received from any and all persons, in payment of road tax, in the same manner as though the same was paid in money.

SEC. 2. This act shall take effect and be in force from and after its passage, and all laws and parts of laws coming in conflict herewith shall be and the same are hereby repealed so far as they relate to the county of Laporte.

CHAPTER CCCXIII.

An act for the relief of Harmon N. Kress, of Clay county, Indiana.

[APPROVED FEBRUARY 12, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter it shall be lawful for Harmon N. Kress, of Clay county, to trade and barter in clocks in any county in this State without paying a license or permit: *Provided*, That the privilege hereby granted shall not extend to any agent or other person acting for or by authority of said Kress.

SEC. 2. All acts or parts of acts coming in purview of this act be and the same are hereby repealed.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CCCXIV.

An act to authorize the electing a supervisor for Laurel township in Franklin county.

[APPROVED FEBRUARY 11, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be lawful for the qualified electors of Laurel township, in Franklin county, to elect at their next April election and annually thereafter, one supervisor of roads, who shall in all his duties, as such supervisor, be governed by the laws governing supervisors of road districts in said county, and shall have such compensation as the commissioners of Franklin county may direct, and it shall be the duty of the treasurer of said county to collect, and pay over to the said supervisor, all the taxes for road purposes in said township: *Provided, however*, Nothing in this act shall prevent persons from working out in said township all capitation taxes as now directed by law, and said supervisors shall make settlement and be liable to such penalties for misconduct or neglect in their duties, as are now required and imposed by the general laws of the State from and upon supervisors.

SEC. 2. This act to take effect from and after its passage.

CHAPTER CCCXV.

An act declaring a part of Poison creek, in Perry county, a public highway.

[APPROVED FEBRUARY 11, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all that part of Poison creek, in the county of Perry from Sackett's and Shoemaker's dam, be and the same is hereby declared a public highway.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCCXVI.

An act to amend an act entitled "an act to incorporate the Richmond and Boston Turnpike Company," approved February 15, 1839.

[APPROVED FEBRUARY 12, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section nineteen of an act entitled "an act to incorporate the Richmond and Boston Turnpike Company," approved February 15, 1839, be and the same is hereby so amended, that said company may charge, collect and receive toll from all persons traveling on any part of said road, and for the privilege of driving upon any part of said road any property mentioned and referred to in said nineteenth section, where such persons and property do not pass through any toll gate on said road, a rate of toll in proportion to the distance so traveled or driven, but no charge for toll shall be made and collected for crossing said road.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCCXVII.

An act to incorporate the Plainfield Seminary.

[APPROVED FEBRUARY 5, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Jesse Hockett, John Hadley, Thomas W. Wright, Benjamin Owen and Shildes Moore, of the county of Hendricks and State of Indiana, and their successors in office, are hereby constituted a body politic and corporate, by the name and style of "The Plainfield Seminary," and by said corporate name may sue and be sued, plead and be impleaded, in any court in this State, and have and use a common seal, and alter the same at pleasure; to purchase, to receive and accept of any grant, gift, donation, bequest or conveyance by any person, company or corporation, of any property real or personal, and to hold, and enjoy, and dispose of the same as

may be deemed best for the interest of said company: *Provided*, It shall not be lawful for said corporation to hold or be the owner of real estate, exclusive of improvements, exceeding in value the sum of five thousand dollars, and if, by donation, devise or otherwise, it should become the legal or equitable owner of real estate to a greater value, the same shall be sold by said corporation.

SEC. 2. That the individuals named in the first section of this act, be and they are hereby appointed trustees of said company, to serve as such until the first Wednesday in September, 1851, and until their successors are elected and qualified, and that said trustees shall open books for receiving subscriptions to the capital stock of said corporation; the books to be opened before the first day of July next; each commissioner having authority to receive subscriptions.

SEC. 3. The capital stock of said corporation shall be ten thousand dollars, divided into shares of twenty dollars each.

SEC. 4. Whenever forty shares of stock of said corporation shall be subscribed, it shall be the duty of said trustees, after having taken an oath or affirmation for the faithful discharge of their duties as such trustees, before some person authorized by law to administer oaths, or a majority of them, to organize said corporation, by the election of one of their number president, who shall hold his office until the next annual election of trustees, and said trustees shall also elect a treasurer and secretary of said company, who shall continue in office for one year, and until their successors are elected and qualified, who shall take an oath or affirmation for the faithful discharge of the duties of their respective offices, and said trustees may require the treasurer to execute a bond with sufficient sureties, payable to said corporation, in such sum as they may deem proper, conditioned for the faithful performance of his duties as such treasurer.

SEC. 5. On the first Wednesday of September, 1851, and annually thereafter, there shall be an election held in the town of Plainfield in said county of Hendricks, by the stockholders of said corporation, for the purpose of electing five trustees thereof, notice of which election, said trustees shall cause to be given by posting up three written or printed notices thereof in said town of Plainfield at least ten days prior thereto, and it shall be the duty of the trustees to appoint an inspector, who shall preside at such election, and such inspector shall appoint the necessary judges and clerks thereof, who shall together with said inspector, take the same oath required of inspectors and judges of general elections, and the inspector shall make out immediately thereafter a certificate of the result of such election, and file the same with the secretary of such corporation, and at such elections each stockholder shall be entitled to one vote for each share of stock he may own, except in case of his being in arrears on account of tax that may have been assessed on his share, or otherwise, when he shall not be entitled to vote.

SEC. 6. The president shall preside at all meetings of the trustees, and shall have the right to vote on all questions determined by the trustees: *Provided*, That whenever the president may be absent, a president *pro tem.* may be appointed.

SEC. 7. It shall be the duty of the treasurer of said corporation, to make a true report of the condition of the treasury to the trustees at least once a year, and oftener if said trustees shall require him so to do, and pay over to the order of said trustees, all the money that may come into his hands as such treasurer, and to deliver to his successor in office all money, bonds, notes, books, papers and valuable things whatsoever that may come into his hands as such treasurer; it shall be the duty of the treasurer, in the name of the company, to collect all tuition fees, taxes and contributions assessed upon the stockholders of said company, and all other dues whatsoever belonging to said company.

SEC. 8. Said trustees shall purchase a book in which the secretary shall record all their proceedings, which shall be from time to time, signed by the president and attested by the secretary.

SEC. 9. No money shall be paid over but on the order of the trustees, entered on record as aforesaid; a copy of which order, attested by the secretary, shall be a sufficient authority for the treasurer to pay over the amount to the person in whose favor such order was made.

SEC. 10. The trustees shall have power from time to time, to make such by-laws, ordinances and regulations, not inconsistent with the constitution and laws of this State, or of the constitution and laws of the United States, as shall be deemed necessary for the welfare of said corporation, and to do all other acts in pursuance thereof, necessary for the prosperity of said institution; and whenever they may think the occasion requires it, call a special meeting of the stockholders.

SEC. 11. Said trustees shall meet when and where, and as often, as they may deem necessary, and a majority of said trustees shall constitute a quorum for doing business: *Provided however*, That in all cases where a meeting is held otherwise than on adjournment, the president shall give or cause to be given, notice of the time and place of such meeting, to each trustee.

SEC. 12. Said trustees shall fill all vacancies which may occur in their own body, by appointment until the next annual election, and until a successor is elected and qualified: *Provided*, That no person shall be eligible to the office of trustee, either by election or appointment, as aforesaid, unless such person be a stockholder in said corporation.

SEC. 13. The record of said corporation shall be open at all times on reasonable demand made, to the examination of any stockholder.

SEC. 14. There may be taught in the institution or seminary of said corporation, any of the languages, sciences, fine arts, general literature, and such other branches, or departments of education, as the trustees may authorize, and whenever it shall be deemed practicable the trustees of said corporation, may establish a female department, under such regulations as they may think will ensure the greatest success and public good.

SEC. 15. The trustees may adopt such rules, in regard to the examination and qualifications of teachers, and instructors, and in relation to the examination of the condition of the scholars, who may attend said seminary, at the commencement and close of each term, as they may deem proper.

SEC. 16. The trustees shall have power at any time, to authorize the treasurer to receive, and by due course of law, to cause the collection of any and all subscriptions to the capital stock or any portion thereof, equally assessed on all, in the name of the corporation, together with costs of suit, in any court of competent jurisdiction, and in case any stockholder shall continue in arrear, his privileges as such shall be suspended, and said trustees in their discretion may declare the same to be forfeited, after a lapse of six months.

SEC. 17. The stock of said corporation shall be considered as personal property, and shall be assignable and transferable, agreeably to such rules and regulations as the trustees may at any time make and prescribe: *Provided*, That no transactions in capital stock shall be valid, until the same be entered on the books of the corporation, nor until all or any claims which the corporation may have against such stockholder shall be liquidated.

SEC. 18. This act shall be deemed and is hereby declared to be a public act, and shall be in force from and after its passage.

CHAPTER CCCXVIII.

An act extending the provisions of "an act for the benefit of the Clark County Central Plank Road Company," to the Madison, Hanover and Lexington Plank Road Company.

[APPROVED FEBRUARY 12, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the provisions of an act entitled "an act for the benefit of the Clark County Central Plank Road Company," approved January 2, 1850, be and the same are hereby in all respects extended to the Madison, Hanover and Lexington Plank Road Company.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCCXIX.

An act to extend the provisions of an act entitled, "an act to enable the qualified voters of district No. 4, in township No. 31 north, of range 6 east, in Kosciusko county, to levy a tax in said district sufficient to build a school house," approved January 21, 1850, to the several school districts in Fulton county.

[APPROVED FEBRUARY 14, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the provisions of the above recited act, be and the same are hereby extended to the several school districts in the county of Fulton.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER CCCXX.

An act relative to the Western Plank Road Company.

[APPROVED FEBRUARY 14, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Western Plank Road Company, organized in Tippecanoe county, under the act entitled, "an act authorizing the construction of Plank Roads," approved January 15, 1849, and the several acts amendatory thereto, shall have permission to construct such portions of their road as may be deemed advisable of stone, gravel or other hard material.

SEC. 2 That all vacancies occurring in the board of directors by resignation or otherwise, may be filled by the remaining directors at any of their meetings.

SEC. 3. That in any suit for or against said company, a certificate from the auditor of Tippecanoe county, that said company have filed in his office a copy of their articles of association as required by the first section of the act aforesaid, (under which they organized,) shall be conclusive evidence of their existence as a corporation, should such fact be disputed.

SEC. 4. Whenever any stockholder of said company refuses to pay his stock as required by the board of directors, the same may be recovered by action of debt in any court having jurisdiction.

SEC. 5. The directors may from time to time make such by-laws, not incompatible with the laws or constitution of this State, as they may deem advisable.

SEC. 6. This act shall be a public act, and when adopted by the directors of said company, and spread upon their minutes, shall form a part of their charter and be binding upon said corporation, and every member thereof.

SEC. 7. This act shall be in force from and after its passage.

CHAPTER CCCXXI.

An act entitled, "an act for the relief of John J. Cummins."

[APPROVED FEBRUARY 11, 1851.]

WHEREAS, Samuel P. Mooney, was appointed a commissioner to sell the Old Indiana State prison;

AND WHEREAS, The said commissioner, as aforesaid, did sell to the said John J. Cummins, said prison, for the sum of thirty-eight hundred and six dollars, one third cash in hand and the remaining two-thirds in three equal and annual payments from the day of sale, the said Cummins having prepared to pay the balance of said purchase money in stock bonds;

AND WHEREAS, The Legislature has refused to accept said bonds in discharge of said indebtedness, of the said Cummins to the said State, therefore believing that the said State will grant further indulgence to the said Cummins, therefore;

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the said commissioner or his successor, be and is hereby authorized and directed to give to the said Cummins, the term of five years from and after the passage of this act, for the payment of the said balance of the purchase money, as follows, to-wit: in five equal and annual installments with interest from date, the first payment to be made in one year from the passage of this act: *Provided*, The said Cummins will execute to the said commissioner his notes, with sufficient security to the satisfaction and acceptance of said commissioner.

SEC. 2. Nothing in this act is to be so construed, as to release the security upon the original purchase.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CCCXXII.

An act to incorporate the Evansville Hotel Company.

[APPROVED FEBRUARY 11, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Samuel Rodgers, John M. Stockwell, Willard Carpenter, John Ingle, jr., and Henry D. Allis, or a majority of them, and their associates, successors, and assigns, be, and they are hereby made a corporation, by the name of the "Evansville Hotel Company," for the purpose of erecting, furnishing, and keeping suitable buildings for a hotel, in the city of Evansville, and county of Vanderburgh, and for this purpose shall have all the powers and privileges, and be subject to all the duties and requisitions contained in the revised statutes of one thousand eight hundred and forty-three, chapter thirty-two, article two, entitled "General provisions respecting corporations."

SEC. 2. The capital stock of said company shall not exceed the sum of one hundred thousand dollars; and the said corporation may lawfully be seized and possessed of such real and personal estate as may be necessary and convenient for the purposes aforesaid.

SEC. 3. Said corporation shall have power from time to time to borrow such sums of money as may be necessary and convenient for the purposes aforesaid, and execute such bonds, mortgages, and other security for the repayment of said money and interest as may be agreed on by the parties.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER CCCXXIII.

An act to amend an act entitled "an act to incorporate the Wayne county Turnpike Company," approved December 5, 1848.

[APPROVED FEBRUARY 12, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the directors of said company, if the stockholders owning a majority of the stock do not object thereto, be and they are hereby authorized to appropriate all or any portion of the tolls received on said road for the reduction and extinguishment of part of the stock, so that the capital stock may not exceed twenty thousand dollars: *Provided, however*, That the tolls on said road shall never exceed the rates which have been and now are established on the same since the consolidation with the Richmond Turnpike Company, unless some inevitable casualty or contingency should render it necessary: *Provided further*, That said tolls shall not net more than fifteen per centum per annum on the capital stock, after keeping said road in repair and defraying necessary expenses of said corporation.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCCXXIV.

An act to authorize the draining of wet lands in Miami, Allen, Huntington, and St. Joseph counties.

[APPROVED FEBRUARY 14, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the benefits of an act entitled an act to authorize the draining of the Peru prairie, in Miami county, approved December 22, 1849, be, and the same are hereby extended to any five persons who may be interested in the draining of wet lands in said county as is specified in the 15th section of said act so far as the same is applicable.

SEC. 2. That all the rights, benefits, and privileges conferred on the Peru Prairie Draining Company, by the act to incorporate the same, be and the same are hereby conferred on any five persons organizing under the provisions of this act, and the charter of the said Peru Prairie Draining Company, so far as the same is not inconsistent with this act, be, and the same is hereby declared to be the charter of this company.

SEC. 3. That this act take effect and be in force from and after its passage.

CHAPTER CCCXXV.

An act to authorize the board doing county business in Tipton county, to change burial ground for the town of Tipton.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be lawful for the board doing county business in the county of Tipton, to locate and acquire by purchase or donation, suitable plat of ground at or near the town of Tipton, in said county, for a public burial ground, for the use of the citizens of said county of Tipton.

SEC. 2. It shall further be lawful for the said board doing county business in said county, to authorize and cause to be removed from the present burial ground, in said town of Tipton, the remains of all persons interred therein, and cause the same to be decently and properly interred in the new burial ground to be by them located.

SEC. 3. This act shall be in force from and after its passage.

CHAPTER CCCXXVI.

An act to amend an act entitled, "an act to incorporate the Lafayette Plank Road Company," approved January 3, 1849.

[APPROVED FEBRUARY 12, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be and hereby is declared to be lawful for said Lafayette Plank Road Company, to terminate its road in the direction towards Crawfordsville, at the point where the plank now terminate upon the turnpike in Montgomery county, any thing in the act incorporating said company to the contrary notwithstanding.

SEC. 2. This act shall take effect immediately.

CHAPTER CCCXXVII.

An act to amend an act entitled "an act to incorporate the Crawfordsville and Wabash Railroad Company," approved January 19, 1846, and the acts amendatory thereto.

(APPROVED FEBRUARY 5, 1851.)

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Crawfordsville and Wabash Railroad Company shall have the power, and they are hereby authorized by themselves, or agents to extend, examine, survey and locate a route, and make and construct on such route a railroad from some convenient point at or near the town of Crawfordsville, on the railroad route now in progress of construction from Crawfordsville to the Wabash and Erie Canal, to a point on the railroad route now constructing from Terre Haute to Indianapolis, at the town of Greencastle.

SEC. 2. Said Company in the location and construction contemplated by the first section herein, shall be governed in all respects by the provisions now in force in the act chartering said company, and the subsequent amendments thereto, so far as the same may be applicable, and not conflict with the provisions of this act.

SEC. 3. This act is hereby declared to be a public act, and shall be in force from and after its passage and acceptance by the board of directors of said Crawfordsville and Wabash Railroad Company.

CHAPTER CCCXXVIII.

An act to incorporate the German Union Support Society, of Jefferson county.

[APPROVED FEBRUARY 12, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Charles Schissler, Christian Hablizell, M. Greiner, and Melchoir Abplanalp, of the county of Jefferson, and State of Indiana, and their associates and successors, be and they are hereby created a body politic and corporate, with perpetual succession, by the name and style of the "German Union Support Society," and by that name may contract and be contracted with, sue and be sued, plead and be impleaded, in all courts of competent jurisdiction; and may adopt and use a common seal, and the same to alter, break, and renew at pleasure.

SEC. 2. Said society may acquire, hold, and dispose of real or personal property not exceeding in value at any one time the sum of twenty thousand dollars, and shall have power to appoint all such officers as they may deem proper, and prescribe their duties, and require such sureties from them as they think right and proper; to make, ordain and establish such by-laws, rules and regulations as shall be necessary and proper for the efficient management of its affairs, not inconsistent with the general laws of this State.

SEC. 3. This act shall take effect and be in force from and after its passage.

CHAPTER CCCXXIX.

An act to authorize the township trustees of Lawrenceburgh township, of Dearborn county, to assess and collect a free bridge tax.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be lawful for the trustees of the township of Lawrenceburgh, by resolutions of their board, to order the levy of a special tax, from year to year, upon the personal and real property

situate within said township, not exceeding thirty cents upon every one hundred dollars value thereof, and on such order or a copy thereof being presented to the county auditor, he shall assess and enter said tax on his duplicate for said township, and the same shall be collected by the treasurer of said county, and paid over to the township trustees in the same manner as is now provided by law for the regular road tax of said township.

SEC. 2. The tax authorized to be assessed and collected under the provisions of the foregoing section, shall be denominated a free bridge tax, and the fund thus created shall be set aside by the said township trustees, and used for the purpose of purchasing or erecting and freeing from toll the bridges in said township, and keeping the same in repair.

SEC. 3. It shall be lawful for the said trustees to issue bonds of said township, to be signed by said trustees, for the purpose of purchasing the bridge across Tanner's creek, or erecting a bridge across the same at New Lawrenceburgh, at such times and for such amounts as may be agreed upon, but in sums not less than one hundred dollars, and bearing interest not exceeding six *per centum per annum*.

SEC. 4. For the payment of said bonds, and interest thereon, said trustees may appropriate such portion of the bridge tax, authorized by this act, as may from time to time be necessary, and any pledge or mortgage of the same made by said trustees, as security for money borrowed or obtained for the purpose aforesaid, shall be valid in law and binding on said township.

SEC. 5. It shall be lawful for said trustees, or their successors to enter into any contract or agreement with the county commissioners of said county, and in conjunction with them, purchase or erect, free from toll, any bridge in said township and keep the same in repair.

SEC. 6. For the purpose of more speedily effecting the objects of this act, it shall be lawful for the county commissioners of said county, to make any appropriations, and to enter into any agreement with the said trustees, that they may deem advisable and proper, to the accomplishment of the objects contemplated in this act.

SEC. 7. This act to be in force from and after its passage.

CHAPTER CCCXXX.

An act to incorporate the Bluffton Band.

[APPROVED FEBRUARY 11, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Amos Townsend, Aduah Hall, Lewis Lynn, E. K. Bascom, Smith D. French and Charles L. Melshumer of Wells county, and their associates, be and they are hereby constituted a body politic and corporate, to be known by the name and style of the Bluffton Band, with perpetual succession, and with full power to contract and be contract with, sue and be sued, plead and be impleaded, answer and be answered unto in law and equity, and in all courts of competent jurisdiction whatever, to make have and use a common seal, and the same to alter or renew at pleasure.

SEC. 2. Said band is hereby authorized and empowered to adopt a constitution, and make, establish and enforce such by-laws, rules and ordinances under said constitution, as they may deem proper, not inconsistent with the constitution of the State of Indiana.

SEC. 3. Said band may make and appoint all officers necessary for the management and direction of the same, and make such rules, and regulations for the reception and expulsion of members as they may deem proper and just.

SEC. 4. Said band may receive donations in money and property, and may purchase property, musical instruments, or books, may sell and convey any or all such property: *Provided*, That the amount of property so held by said corporation, shall not at any time exceed in value the sum of five hundred dollars.

SEC. 5. This act to take effect and be in force from and after its passage.

CHAPTER CCCXXXI.

An act to incorporate the town of Milford, Decatur county.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the town of Milford, in the county of Decatur, and State of Indiana, be and the same is hereby incorporated, under the general provisions of the revised statutes of 1843, as the same are contained in the twenty-fifth chapter, article one of said revision.

SEC. 2. The boundaries of said corporation shall be limited to the recorded plat of said town.

SEC. 3. An election for trustees of said corporation, shall be held within one month from and after the first Monday in April, 1851, in accordance with the provisions of the article aforesaid: *Provided however*, That this act shall not take effect nor be in force, unless two-thirds of the legal resident voters in said town, liable to pay a corporation tax, shall by a direct vote, on the first Monday of April, 1851, declare in favor of incorporating the same, and for the purpose of obtaining said vote, it shall be lawful for the voters aforesaid to choose an inspector of such election, who shall select two assistant judges and two clerks, each possessing the qualifications of elector under this charter, who shall constitute a board of election, and whose duty shall be to open a poll on the first Monday in April, 1851, and receive the votes of the eligible voters of said town, which election shall be conducted in all respects as required by the second section of the article aforesaid, excepting that said voters shall be required only to endorse upon their tickets, either in print or in writing, the words "corporation" or "no corporation."

SEC. 4. It shall be the duty of said board of election within three days thereafter, to certify to the clerk of the Decatur circuit court the result of such election, stating in words written at full length, the number of votes given against a corporation at such election, and if it shall appear from such certificate, that two-thirds of all the votes cast at such election are in favor of such corporation, then it shall be the duty of said clerk to give the notice required in the second section of the act above referred to, in the first section of this act.

SEC. 5. This act to take effect and be in force from and after its passage.

CHAPTER CCCXXXII.

An act to amend an act entitled, "an act to authorize the Jeffersonville Railroad Company to issue and secure the payment of bonds," approved December 29, 1849.

[APPROVED FEBRUARY 7, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That an act entitled an act to authorize the Jeffersonville Railroad Company to issue and secure the payment of bonds, approved December 29, 1849, be and the same is hereby so amended as to authorize said company to issue and sell or negotiate, either within or without this State, the bonds or notes of the company bearing an interest not exceeding seven *per centum per annum*, payable annually, or semi-annually, and the principal and interest payable at such time or times, and at such place or places, either within or without this State, and at such rate or rates, and for such price or prices as in the opinion of the board of directors of said company, will best advance the interest of said company, and if such bonds or notes or any of them are thus sold at a discount, such sale or sales, and such bonds or notes shall be as valid in every respect, as if they were sold at their par value.

SEC. 2. It shall be lawful for said company to receive in payment of subscriptions of stock in said company, the bonds or notes of any city or town, and to hypothecate, sell or otherwise dispose of the same, either in or out of this State, on such terms, and for such price or prices, and at such place or places, as the board of directors may deem proper, and for the interest of the company; and if such bonds or notes, or any of them are thus sold at a discount, such sale or sales and such bonds or notes, shall be as valid in every respect, as if they were sold at their par value; and said company are also authorized to receive any and all other bonds notes or other obligations, either on account of subscription to, or payment of stock or of loans to said company, and to dispose of the same in the same manner, and which shall have the same validity in every respect, as above provided; and it shall be lawful for said company to endorse or assign such bonds or notes, or any of them, and may guarantee the payment of the interest and principal of the same.

SEC. 3. The board of directors may pledge the property and income of said company, or any part thereof, and secure the payment of any bonds or notes issued by said company, and any town or city bonds, or notes or either of them negotiated, sold or hypothecated by said company, and may execute or cause to be executed a deed of trust either in or out of this State, and may grant in such

deed, authority to sell said road and all the property, income and effects of said company or any part thereof, and to transfer the same to the purchaser for the purpose of discharging the principal and interest of such bonds, and on such conditions and upon such notice as shall be declared in the deed of trust, and the purchaser shall have and enjoy all the rights, privileges and franchises granted to said company, subject to the restrictions, limitations and liabilities stipulated in such deed of trust.

SEC. 4. That when payments of subscription to the stock of the company have been, or shall be made in bonds or notes of any town or city, under any act authorizing such subscription to be made, or any bonds or notes of any city, or incorporated town, be loaned to said company, all such bonds or notes issued by the authorities of such incorporated town or city, or either of them, and appearing regular on the face thereof, shall in the hands of said company or of any other *bona fide* holder thereof, be deemed and taken in all courts and elsewhere, as conclusive evidence of the regularity of everything required by the acts in relation to the issuing of such bonds or notes, and of any act or proceedings to be had preliminary to the issuing and negotiation of said bonds or notes, and of the validity in all respects of such bonds or notes.

SEC. 5. Said company shall have the right to appoint an agent in the city of New York, to superintend the transfer of stock, and for the payment of dividends thereon.

SEC. 6. So much of "an act to authorize the Jeffersonville Railroad Company, to issue and secure the payment of bonds," approved December 29, 1849, as conflicts with the provisions of this act, be and the same is hereby repealed, and this act shall be considered an amendment to the charter of said company, and shall be in force from and after its passage, and acceptance by the board of directors of said company, and shall be considered a public act, and have force and effect as such, and no act either of a general or special nature, shall be so construed as to alter or repeal this act, or any of the powers or privileges granted to said company, without the consent and approval of the board of directors of said company: *Provided*, Said company shall not violate the same.

CHAPTER CCCXXXIII.

An act for the relief of Samuel Shimer, and other purchasers of school lands in Randolph and Delaware counties.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Samuel Shimer, of the county of Randolph, shall be entitled to an additional credit of five years on his purchase of a tract of school land belonging to the inhabitants of school township No. eight, in range one, in Monroe county, which land is described as follows: The east half of the north-east quarter of section eight, in township No. 20 north, of range 12 east, lying in Randolph county, Indiana: *Provided*, The said Samuel Shimer shall keep the interest paid according to law to the proper officers of the said county of Monroe.

SEC. 2. The provisions of the foregoing section shall apply to all purchasers of the lands belonging to said township in Monroe county, lying in the counties of Randolph and Delaware, upon the same terms.

SEC. 3. This act to be in force from and after its passage, and the secretary of State shall forward a copy thereof to the auditor of Monroe county.

CHAPTER CCCXXXIV.

An act legalizing the sale of the school section in township 11 north, of range one east, in Morgan county, Indiana.

(APPROVED FEBRUARY 13, 1851.)

WHEREAS, The records of the school commissioner of Morgan county do not fully show the proceedings of the trustees of township 11 north, of range one east, relative to the sale of section sixteen, in said township, the vote of the voters of said township ordering said sale, the division of said section into lots:

AND WHEREAS, The records touching said sale are in other respects

incomplete and informal, and the amendment of said records being impracticable; (said sales having been made in 1836 and 1837;) therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the original sale of section sixteen, in township eleven (11) north, of range one (1) east, in Morgan county, by the school commissioner, and any subsequent sale of any part thereof, forfeited to said township by the county auditor, be and the same are hereby legalized and confirmed as fully as if the records of the proceedings touching such sales showed that the law governing the same had in all respects been complied with.

SEC. 2. This act to be in force and take effect from and after its passage.

CHAPTER CCCXXXV.

An act to incorporate the Montpelier and Matamoras Plank Road Company.

[APPROVED FEBRUARY 11, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Joseph C. Maddox, Josiah Twible, Josephus Struter, Thomas Hewlet, of the county of Blackford, and Anthony Pitman and Hiram Gregg, of the county of Jay, and their successors in office, are hereby constituted and appointed a body corporate and politic, and by the name and style of the Montpelier and Matamoras Plank Road Company, shall be able and capable in law and equity to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto, and in any and all courts of justice whatever, to make and use a common seal, and the same to alter and change or renew at pleasure, and shall be capable in law to make contracts and enforce the same, and to make and enforce the necessary by-laws, rules and regulations to enable them to carry into effect the provisions of this act and the objects contemplated by the same, not inconsistent with the constitution and laws of this State.

SEC. 2. The capital stock of said corporation shall be twelve thousand dollars, divided into shares of twenty-five dollars each, with power to increase the capital stock if necessary to accomplish

the objects herein contemplated; and said corporation shall have full power and authority to receive said subscription of stock in land, labor, money, or materials for the construction of said road.

SEC. 3. Said company shall have power to mark out, make, and construct a plank road from Montpelier, via Matamoras, in Blackford county, on the most favorable route, intersecting the Bluffton, Camden, and Winchester Plank Road at any point north of Camden, in Jay county, and for that purpose all the provisions of a law entitled "an act to incorporate the Fort Wayne and Piqua Plank Road Company," approved January 12, 1850, be, and the same are hereby made a part and parcel of this charter, and said Montpelier and Matamoras Plank Road Company shall have all the privileges and benefits conferred by said charter on the Fort Wayne and Piqua Plank Road Company, so far as the same may be applicable to the objects of said company.

SEC. 4. So soon as may be deemed expedient after five thousand dollars of the capital stock shall have been subscribed, said corporation shall enjoy all the rights, privileges, and benefits herein provided for.

SEC. 5. This act to be in force from and after its passage.

CHAPTER CCCXXXVI.

An act to incorporate the Congregation of the German Evangelical Lutheran St. Paul's Church, in the city of Fort Wayne, in the county of Allen.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That John Wefel, Francis Ochlshlager, Frederick Bram, and their successors in office, be and are hereby incorporated, by the name and description of "The Congregation of the German Evangelical Lutheran St. Paul's Church," in the city of Fort Wayne, in the county of Allen and State of Indiana.

SEC. 2. The said body politic and corporate is hereby invested with all the powers, rights and privileges which are conferred by or under the second article of the twenty-fifth chapter of the revised statutes, passed at the twenty-seventh session of said General Assembly, upon churches or religious societies which have or may become bodies corporate and politic according to the provisions of said article.

SEC. 3. The said corporation shall have the right and power to use a common seal, and to alter and renew the same at pleasure, to make and adopt such rules and by-laws as they may deem proper so that the same are not inconsistent with the organic principles of the said church or with the constitution of said congregation now in force and dated February 6th, A. D. 1847, nor with the constitution or laws of the United States or of the State of Indiana, to exercise and perform all the functions and privileges necessary for the establishment, government, and advancement of said congregation.

SEC. 4. It shall be lawful for the members of the congregation of said German Evangelical Lutheran St. Paul's Church to perpetuate the board of trustees hereby appointed by annual appointment or any other mode they may deem proper; they may also increase the number of said board when the same may be deemed necessary, and fill all vacancies that may at any time occur therein.

SEC. 5. The fee simple of any land which has heretofore been purchased by said congregation or conveyed to them or to any person for their use and benefit, is hereby vested in said trustees and their successors in office forever, for the use and benefit of said congregation or church.

SEC. 6. The said corporation, for the furtherance of the objects of said church or congregation and the interest thereof, shall have full power, by their trustees, to acquire, by purchase, gift or devise, real estate, not exceeding one hundred and sixty acres in the aggregate, and so much personal property as may be necessary and proper for the uses and purposes of said church, and also to dispose of, sell, and convey all corporate property, whether real or personal, by deed of bargain and sale, which conveyance shall be signed and sealed by the trustees of said corporation, and the same shall vest the said property, and all the right, title, and interest of such church and congregation, in the purchaser.

SEC. 7. This act to take effect and be in force from and after its passage.

CHAPTER CCCXXXVII.

An act providing for the location of a State road from Troy, in Perry county, to Spencer, in Owen county, in this State.

[APPROVED FEBRUARY 14, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Frederick Conner, of the county of Perry, Reuben Floyd, of the county of Dubois, George Waggoner, of the county of Martin, and Anderson B. Mills, of the county of Owen, and George Furgason, of Greene county, are hereby appointed commissioners to view, mark, lay out and locate a state road from Troy, in said county of Perry, by the way of Pleasant Valley and Dover Hill, in Martin county aforesaid, to Spencer, in said county of Owen.

SEC. 2. It shall be lawful for said commissioners, or any three of them, to meet at the town of Troy aforesaid, or at any other point near said proposed line of road agreed upon by them, at any time between the first day of May and the first day of November next, and after being duly sworn before some officer authorized to administer oaths for such purposes, to proceed to view, mark, lay out, and locate a state road leading from said town of Troy, by the way of Pleasant Valley and Dover Hill in said county of Martin, to said town of Spencer, in Owen county aforesaid, intersecting the main state road leading from thence to Greencastle, in Putnam county, following as nearly as practicable the range line dividing ranges three (3) and four (4) west of the second principal meridian, and said commissioners are authorized to employ such assistants as may be necessary in the discharge of their duties hereby enjoined upon them.

SEC. 3. It shall be the duty of said commissioners, when they have completed the location of said road to make out their report in writing to each of the boards of commissioners of the several counties through which the same may pass, describing as nearly as practicable the route over which said roads runs in the county to the board of which any such report is made, and to file their reports in the auditors' offices of the several counties aforesaid.

SEC. 4. It shall be the duty of the several county auditors, or other persons doing the business of county auditor, to lay the reports aforesaid before the county boards of their respective counties through which said road may pass as aforesaid, at their next session after the filing of said reports, and if no sufficient cause be shown to the contrary, said county boards shall each order said road to be recorded so far as relates to their respective counties, and make an allowance to said commissioners and their assistants, if any be employed, for their services, taking into consideration in each case the time they were necessarily employed in the county in which said allowance is made, and shall order said road to be opened and worked as other highways.

SEC. 5. This act shall be in force from and after its passage.

CHAPTER CCCXXXVIII.

An act to locate a State Road in the counties of Boone and Marion.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That John Humes, and William Jones, of the county of Marion, and William Smith, of the county of Boone, be, and they are hereby appointed commissioners to view, mark, and locate a state road commencing at the county road leading from the Lafayette State road to Eagle Village, at the half-mile stake, in section fifteen, (15) in Marion County, and section ten, (10) in Boone county, township seventeen, (17) range two (2) east, running west on the line dividing the lands of Micha French and John Pitzer, John Pitzer and Thomas Wagoner, to continue west on the line dividing section sixteen (16) and section nine, (9) the line dividing the land of Isaac Delong and John Alford, and said John Alford and David Delong, on, or as near the line as suitable ground can be obtained, to continue west on the line dividing said David Delong and John D. Games, and thence south on the line dividing the land of said John D. Games and Samuel Reed, and continue south in the county of Marion, on the line dividing the land of Moses Badget and Carey Reeves, in section sixteen, (16) thence west on the line dividing the land of said Carey Reeves and John H. Wiley, about thirty rods to the Lafayette state road.

SEC. 2. The said commissioners shall meet at the place of commencement of said road on the first Monday of June next, or as soon after as convenient, and after taking an oath to faithfully discharge their duties as said commissioners, shall proceed to the discharge of their duties, and shall be governed by the law in regard to State roads.

SEC. 3. This act to be in force from and after its passage, and publication in the Indiana State Sentinel and Journal.

CHAPTER CCCXXXIX.

An act to incorporate the Indiana Fire and Marine Insurance Company.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That William H. Morrison, Benjamin I. Blythe, Oliver H. Smith, Timothy R. Fletcher, Royal Mayhew, Robert B. Duncan and John W. Hamilton, of Indianapolis, in the State of Indiana, together with those who shall hereafter become stockholders as hereinafter directed, shall be, and they are hereby created and made a corporation and body politic, by the name and style of "The President and Directors of the Indiana Fire and Marine Insurance Company," and shall continue in office perpetually, and by that name are hereby made capable and able in law, to have, to purchase, receive, possess, enjoy and retain to themselves and their successors, lands, tenements, rents, hereditaments, goods, chattels, and effects, to any amount not exceeding in the whole three hundred thousand dollars, and the same to sell, grant, demise, alien, and dispose of, and also to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts of law or equity in this State, or elsewhere; also to make, have and use a common seal, and the same to break, alter or renew at pleasure; also to ordain, establish and put in execution, such by-laws, ordinances and regulations as shall be deemed necessary and convenient for the government of said corporation, which may not be contrary to law, and generally to do and execute all and singular the acts, matters and things that a corporation may rightfully do in the premises.

SEC. 2. That the persons named in the first section, or a majority of them, after giving at least thirty days' notice, in at least two of the newspapers published in the city of Indianapolis, shall open books of subscription for the stock in said company, and shall keep the same open at least ten days, and if a greater amount is subscribed than is required by the terms of the advertisement under this act of incorporation, the surplus shares so subscribed shall be taken from each subscriber, commencing at the highest number, till they are reduced within the limits prescribed, which stock shall consist of six thousand shares of fifty dollars each, payable in gold or silver coin, and at the time of subscribing, they shall have a right to demand and receive two dollars and fifty cents on each share, and to have secured the residue to the satisfaction of the corporation, payable in six months, which obligations may be renewed from time to time, either for the whole or such part thereof as the president

and directors shall direct, and it shall be the duty of the president and directors to give at least thirty days' notice of any call they may think it expedient to make, and in case of failure of any stockholder to meet such call, or to secure the payment of the remainder as aforesaid, it shall be lawful for the president and directors to sell such delinquent shares, and transfer the same to the purchaser or declare them forfeited to the company, together with all previous payments thereon; no transfer of such stock shall be deemed valid and complete so long as the person transferring the same shall be indebted to the said company, until the amount for which he is indebted is secured to the satisfaction of the president and directors, and the stock of every stockholder, shall be held as a collateral security for the payment of whatever sum he may be indebted to said company by notes for stock or otherwise.

SEC. 3. That the stockholders shall meet at the place of opening the books for the subscription of stock in said company, on the first Monday in May, in the year 1851, and at the office of the company on the first Monday in May, in each succeeding year, and elect a president and six directors, who shall continue in office until the first Monday of May of the ensuing year, and until their successors shall be elected, of which elections, previous notice shall be given in two of the newspapers printed in Indianapolis, at least two weeks, and in case of the death, resignation or removal from the city, of the president, the directors may elect some person to fill such vacancy for the residue of the year, and no person shall be chosen a director who does not own ten shares of the stock.

SEC. 4. That in all elections by the shareholders, each share, to the number of ten, shall be entitled to one vote, and every five shares thereafter owned by the same person, shall entitle him to one additional vote, but no person that is not a resident of the State of Indiana, shall have a vote, and no shareholder shall have a vote at any election for president and directors unless he shall have been the owner of the stock three months prior to such election by a regular transfer upon the books of the company, except at the first election held under this charter, and shares may be voted on by the executor, or administrator of the deceased owner or by proxy.

SEC. 5. That the president and directors for the time being, shall have power to appoint such officers and agents under them, and at such places, as shall be necessary for executing the business of said company, and to allow such compensation as may be agreed upon, and require and take bond and security for the faithful discharge of their respective duties and trusts, and the said president and directors shall have power to make by-laws and ordinances to govern the corporation, and may repeal, alter and amend them, and the president and three directors shall constitute a quorum for the

transaction of business, or four directors without the president, one of whom shall be chosen president for the time being.

SEC. 6. That the president and directors for the time being, shall have power and authority in the name of the company, to make insurance at such rate of premium as may be agreed upon by the parties, upon buildings, furniture, machinery, goods, wares, and merchandise of every description, against fire in town or country, and also to make all kinds of insurance on every description of property transported by land or water, within the United States, and likewise on the transmission of bank notes by mail, and to make all kinds of contracts in which the casualties of property are involved, and every such contract, bargain, agreement or policy, to be made by the said corporation, shall be in writing or print, and shall be signed by the president and attested and signed by the secretary or clerk, who may be appointed by the president and directors, for that purpose.

SEC. 7. That it shall be the duty of the president and directors, on the first Monday of May and November, in each and every year, to make a dividend of so much of the profits of said corporation as to them, or a majority of them, shall appear desirable, and in case of any loss or losses, whereby the capital stock of the corporation shall be impaired or lessened, no subsequent dividend shall be made until a sum equal to such diminution and arising from the profits of said corporation shall have been added to the capital.

SEC. 8. The said corporation shall not issue notes or bills of credit, nor in any manner engage in the business of banking, otherwise than in the purchase and sale of bank stock, nor shall said corporation commence business or grant any policies of insurance until one thousand shares are subscribed and paid for or secured to be paid, as provided for in the second section; so much of the capital stock of said company as may not be permanently invested, may at the discretion of the president and directors be loaned on promissory notes at lawful interest, and at no greater rate without incurring such forfeiture as individuals may be liable to by law.

SEC. 9. That whenever said corporation shall be notified of any loss sustained, or incurred on any policy of insurance granted or issued by the same, it shall be the duty of said corporation to pay the amount so lost or incurred on such policy, within sixty days after being so notified: *Provided*, There shall have been no violation of the conditions of the policy on the part of the insured.

SEC. 10. This act to be in force from and after its passage.

CHAPTER CCCXL.

An act to amend an act entitled "an act to incorporate the town of Peru," approved February 14, 1848.

[APPROVED FEBRUARY 12, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section 26 of said act be and the same is hereby so amended that the mayor and council of said town, with or without petitions, when they are of opinion that the public interest requires it, may pass an ordinance requiring the owner or owners of any lot or lots or part of a lot to improve the side-walk in front of said lot or part of a lot in such manner as they shall in their ordinance designate, and that upon the failure of any such owner or owners to make such improvements within ninety days after the publication of said ordinance, the street commissioner of said town shall proceed to let out to the lowest responsible bidder the contract of making such improvement, or so much thereof as shall not have been completed in pursuance of said ordinances; the cost of which improvement as also all cost attendant thereon shall be taxed up against the lot or part of a lot fronting on such improvement, and shall be collected at the time in the same manner as other taxes are collected for said corporation and shall be a lien on the same until paid: *Provided, however*, Nothing herein contained shall be so construed as to require the owner of any lot or part of a lot to make any such improvement where one has already been made in such manner as shall be accepted by the mayor and council.

SEC. 2. That every thing contained in the act to which this is an amendment, which is in contravention to the provisions of this act, be and the same is hereby repealed.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CCCXLI.

An act to create a school district in Marshall county.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the following territory in Marshall county shall constitute and form a separate school district, to-wit: The north half of section No. 25, section No. 24, and the south half of section No. 13, in township No. 33 north, of range No. 2 east, the south-west quarter and the west half of the south-east quarter of section No. 18; the north-west quarter, the south-west quarter, the west half of the north-east quarter, and the west half of the south-east quarter of section No. 19; and the north-west quarter, and the west half of the north-east quarter of section No. 30, in township No. 33 north, of range No. 3 east.

SEC. 2. It shall be the duty of the township trustees of that township in which the larger part of said district is situated, as soon as may be after the passage of this act, to designate the same by some appropriate number or name, and to organize the same by the appointment of the proper trustee or trustees, for such district, after which the same shall be governed by the laws now in force.

SEC. 3. This act shall be in force from and after its passage and publication.

CHAPTER CCCXLII.

An act relative to the Clark County Central Plank Road Company.

[APPROVED FEBRUARY 5, 1851.]

WHEREAS, The Clark County Central Plank Road Company, by virtue of an act entitled "an act to amend an act authorizing the construction of plank roads, approved January 13, 1849," approved January 19, 1850, have determined to extend their plank road from the intersection of Market and Mulberry streets in the city of Jeffersonville in Clark county, to the city of New Albany in Floyd county;

AND WHEREAS, The grade between said cities belonging to the State having been abandoned by the State, is in its present condition utterly useless and subject to continual decay and injury; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the State of Indiana hereby relinquishes all her rights and interest in said grade between the cities of Jeffersonville and New Albany to the Clark County Central Plank Road Company on condition that said company within three years from the passage of this act shall construct a plank road thereon between said points.

SEC. 2. Said company shall have the right to enter into any contract that they may deem advisable with the Silver Creek Bridge Company for the purchase of the bridge across Silver creek, and shall also have the right to purchase and hold individual shares of stock in said bridge company.

SEC. 3. Whenever hereafter the interest of the company may require it, the board of directors of said plank road company may, upon the petition of a majority of the stockholders, construct a railroad upon said grade in lieu of a plank road thereon, and shall have power to increase the capital stock of said company to an amount not exceeding ten thousand dollars a mile for the distance between said cities, and may open books and receive subscription for such additional stock, and upon completion of such railroad said company shall be entitled to all the rights, privileges, and immunities usually conferred in this State upon railroad companies of the most favored character.

SEC. 4. At any time after the expiration of ten years from the passage of this act the stock in that portion of said plank road lying between the cities of Jeffersonville and New Albany shall revert to said cities in equal proportions if they shall desire it, and if either of said cities shall refuse to take said stock, then it shall be lawful for the other city to take the whole of said stock; said city or cities shall pay to the company what the value of the work done and materials furnished by the company shall be; the value to be ascertained by three commissioners appointed by the governor of the State, and at any time after said ten years, it shall be lawful for said cities or either of them upon making such payment to said plank road company to build a railroad from said Jeffersonville to New Albany; and said city or cities are authorized to take the amount of stock necessary to construct said railroad; and if either of said cities refuse to build a railroad, then it shall be lawful for the other ctiy to proceed to build said railroad; said plank road company shall not

build a toll gate within one hundred and sixty rods of the limits of said city of New Albany.

SEC. 5. This act for all judicial purposes shall be deemed a public act, and shall be liberally construed, and shall be in force from and after its passage.

CHAPTER CCCXLIII.

An act to incorporate the Madison and Vevay Plank Road Company.

[APPROVED FEBRUARY 14, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the name of the Madison and Eagle Creek Plank Road Company—a company organized under the act authorizing the construction of Plank Roads, approved January 15, 1849, be, and the same is hereby changed to that of the Madison and Vevay Plank Road Company, and all acts done by said Madison and Eagle Creek Plank Road Company, respecting the organization of said company, be, and the same are hereby legalized: *Provided:* That all contracts made and acts done by said Company, under their existing organization, shall be as valid and binding as if this act had not been passed.

SEC. 2. The affairs of said Company shall be managed by five directors, to be elected by the stockholders thereof, at such time and place as may be fixed by the by-laws of said company, who shall serve for one year and until their successors are elected.

SEC. 3. The capital stock of said company shall be fifty thousand dollars, to be divided into shares of twenty-five dollars each, and in all elections of directors, each share of stock shall be entitled to one vote.

SEC. 4. The officers of said company shall consist of a President, Secretary, and Treasurer, and such other officers and employers as in the opinion of the directors may be necessary, whose duties shall be prescribed by the rules and by-laws of said company.

SEC. 5. It shall be lawful for said company to construct a plank road, of the dimensions specified in the said general act of 15th January, 1849, from Madison, in the county of Jefferson, to Vevay, in the county of Switzerland; and the third to the twentieth sections inclusive of said general act, are declared to be parts of this charter, so far as the same are not repugnant to or inconsistent with this act.

SEC. 6. So soon as two consecutive miles of said road extending from the eastern limit of the city of Madison is completed, it shall be lawful to erect toll gates on said road, and in addition to the tolls allowed by the general act aforesaid, it shall be lawful for said company to exact from travelers over the bridges which they may erect over Eagle, Indian Kentucky, and Indian creeks, respectively, twice the amount of tolls that may be charged for any single mile of said road; *Provided:* That no gate for the collection of tolls shall be erected nearer than one mile of the corporation limits of the city of Madison as now fixed: *And provided, also,* that all rights and privileges under this act shall cease, if said company does not erect and complete a bridge across the stream at Eagle Hollow within two years from the first of March next.

SEC. 7. This act to be in force from and after its passage.

CHAPTER CCCXLIV.

An act to amend the charter of the Evansville and Illinois Railroad Company.

[APPROVED FEBRUARY 8, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Evansville and Illinois Railroad Company be and they are hereby authorized and empowered to survey, locate and extend said railway from Princeton, in Gibson county, to Indianapolis, in Marion county. *Provided, however*, That if the Martinsville and Franklin Railroad Company shall have commenced in good faith, the construction of the proposed road between Martinsville and Point Commerce by the time the said Evansville and Illinois Railroad Company shall have completed their road to a point at or near Point Commerce, then and in that case, said Evansville and Illinois Railroad Company shall not construct a road between the points last aforesaid named, but shall connect with the said Martinsville and Franklin railroad, on such terms and conditions as may be mutually agreed upon. But if said Martinsville and Franklin Railroad Company shall not have commenced in good faith, the construction of said road by the time the said Evansville and Illinois Railroad Company shall have finished their road to a point at or near Point Commerce, or having commenced, shall afterwards aban-

don the same, then and in that case the said last mentioned company shall have the power, right and privilege to continue and construct said road.

Sec. 2. Said company in making such extension shall in all things be governed by its charter, and shall have all the rights, franchises and privileges therein granted, and shall have power to increase its capital stock to any desirable amount, and may take and receive in payment of stock real estate, at such prices as may be agreed upon.

Sec. 3. A majority of the directors of said corporation shall constitute a board for the transaction of business.

Sec. 4. In case any land owner shall feel aggrieved by the location and construction of said road as heretofore made, or which may be hereafter made over his or her land, or for entering thereon and taking the necessary materials for the construction thereof, and the company have failed to have his or her damages assessed, as provided for by the charter, such land owner shall have the right to file his or her complaint before some disinterested justice of the peace of the county in which such lands are situate, at any time within two years from the survey and location of such road over such lands, stating therein the grounds of complaint. Thereupon said justice of the peace shall issue a notice to the president and directors of said company, which shall be returnable within ten days. And shall also cause a jury to be summoned, as provided in the 9th section of the charter of said company, to assess said damages, who shall take the same oath, and be governed by the same rules in assessing damages as in said section specified, and an appeal may be taken by either party to the circuit court of the proper county, within thirty days, as in said section provided. Such appeal to be governed in all respects as pointed out in said 9th section of said charter. The provisions of the 9th section of said charter, and of this section, shall be deemed and taken to embrace all cases, where damages are claimed for ground for depots, water stations and turnouts. *Provided*, That the said railroad company may in like manner as is provided in this section, file a written complaint before a justice of the peace against any person or persons interested therein, for the purpose of having such road way or depot ground condemned and damages assessed.

Sec. 5. All notices to be given in proceedings under the charter against others, may be served by a constable or the sheriff of the proper county; or in case of non-residents, by written or printed notices, one of which shall be posted up in the clerk's office, and another at the court house door, for at least thirty days prior to the day of trial or other proceedings, which notices shall be posted up by the justice of the peace before whom such proceedings are had or cause is pending, upon the filing of an affidavit before said justice of such residency, naming the defendants, or stating that they are unknown, and guardians, ad litem, may be appointed by the justice of the peace or other courts, in proceedings under the charter.

Sec. 6. It shall be lawful for said corporation to borrow money at any rate of interest not exceeding seven per cent. per annum, as may be agreed upon, and to pledge such security for the redemption of such loan, as the creditor and said company may contract for; and may issue bonds for the purpose of raising money or procuring iron or other materials for the construction and use of said road, and may sell or dispose of such bonds upon such terms as may be agreed upon; and if such bonds shall be sold at a discount, such sale shall be as valid as if sold at their par value: *Provided*, That said corporation shall not issue any bond or obligation of a less densmination than one hundred dollars.

Sec. 7. And whereas, said company is now in active operation, and in the execution of the purpose for which it was created,

Be it further enacted, That any omission or defect in the proceedings of the commissioners or of said company in the organization, shall not affect or prejudice the corporate rights of said company, but the same and every part thereof are hereby legalized.

Sec. 8. Said corporation may take stock in the Martinsville and Franklin Railroad Company, and may enforce the payment of stock subscribed, in whole or in part, in such sums, and at such times as said company may designate, by action of debt or assumpsit, before any competent court, and judgments for unpaid stock as aforesaid, shall be collected without any relief from valuation, appraisement or stay laws.

Sec. 9. Said corporation may construct and erect all such viaducts as may become necessary for the extension and construction of said road.

Sec. 10. This act shall be deemed and taken as a public act, and may be given in evidence under the general issue, and shall be in force from and after its passage and acceptance by the board of directors of the Evansville and Illinois Railroad Company. *Provided*, That nothing herein contained shall be so construed, as to prevent the General Assembly from granting to any other company or companies the right and privilege to construct rail roads, plank roads, or other public improvement between the points aforesaid, or any of them. The said rail road herein contemplated, shall be commenced within five years from the passage of this act, and completed within fifteen years thereafter; otherwise, this act shall be void, unless further time shall be given by the General Assembly.

Sec. 11. The third, fourth, fifth, sixth, seventh, eleventh, and seventeenth sections of an act entitled an act to amend the charter of the Evansville and Illinois Railroad Company, approved January 21, 1850, be, and the same are hereby repealed.

Sec. 12. *And be it further enacted*, That said railroad company

by reason of this act, or any other act to which this refers, shall not be allowed to erect or maintain in or over any navigable stream in this state, any obstruction or barrier whereby any and all vessels and water crafts which now are, or hereafter may be used in navigating the Ohio river, or any of its tributaries, shall in any way or manner be hindered, delayed or obstructed in the free and uninterrupted passage upward and downward, along and upon such navigable stream or streams, so to be crossed by said railroad, or any branch thereof, and if said company shall violate the provisions of this section, such violation shall work an absolute forfeiture of all its rights, powers, privileges and franchises.

CHAPTER CCCXLV.

An act providing for a certain State road therein named.

[APPROVED FEBRUARY 12, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Thomas Wilkinson, of Allen county, Jacob Shoup, of Wells county, and Jacob Arick, of Huntington county, be, and the same are hereby appointed commissioners to view, mark, and locate a State road commencing at the county line between the counties of Huntington and Wells, at a point where the Fort Wayne and Indianapolis State road crosses said line, thence north along said line or as near thereto as is practicable until it strikes the half-mile post on the east line of section twenty-five, (25,) township twenty-nine, (29,) range ten (10) east, thence in a north-easterly direction on the nearest and best ground until it intersects a township road near the dweling of Aaron Sewal in the section and township aforesaid, thence along said township road until it intersects the Roanoke and Muncie State Road in township and range aforesaid.

SEC. 2. Said commissioners shall meet some time between the first day of March and the first day of September A. D. 1851, at the point of commencing said road, and after taking an oath faithfully to discharge the duties required of them by this act, may, if necessary, employ a surveyor, and shall proceed to locate said road, and after having located the same, shall report the metes and bounds of

said road to the commissioners of the several counties through which any portion of it passes.

SEC. 3. It shall be the duty of said commissioners of said counties through which any part of the said road runs to cause the same to be entered upon the records of said commissioners, and to make the necessary order for opening the same, not less than forty-five nor more than sixty feet wide; and said boards shall allow and order the expenses of said commissioners and surveyor to be paid out of their respective county treasuries in proportion to the length the same may run in said county.

SEC. 4. This act to be in force from and after its passage.

CHAPTER CCCXLVI.

An act amendatory of the several acts relating to the city of Logansport, approved February 17, 1838, January 13, 1845, and January 14, 1848.

[APPROVED FEBRUARY 12, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the office of supervisor in the different wards of said city of Logansport, is hereby abolished, and in future the duties appertaining to such office in the different wards, shall be transferred to and performed by the person discharging the functions of treasurer and high constable of said city; it being the intent and purpose of this act, to consolidate and reduce to one office all the functions, duties, and power heretofore appertaining to the office of high constable, supervisors and treasurer and collector, and unite the same in one person.

SEC. 2. The officer combining the powers and performing the duties specified in the foregoing section, shall be designated the "City Marshal," and shall give bond to the acceptance of the common council, with at least three good and sufficient sureties therein, payable to the city of Logansport, in the penal sum of three thousand dollars, and conditioned for the diligent and faithful performance of all and singular, the duties required of him by law or by the common council of said city, and for the proper disbursement of all moneys received by him as such marshal, which bond with the approval of the common council endorsed thereon by the city

recorder, shall be filed in the office of said recorder, and also copied at length upon the records of the council; such bond shall and may be put in suit from time to time, on the relation of any person injured, in the same manner that the official bonds of officers payable to the State of Indiana, as now provided by law, may be put in suit.

SEC. 3. Said officer shall be elected by general ticket by the qualified voters of said city, at the time now prescribed by law for the election of officers of said city, and shall hold his office for the term of one year, and until his successor is elected and qualified, and shall before entering on the duties of his office, take an oath before some officer qualified by law, to administer oaths, that he will honestly, faithfully and impartially discharge all and singular the duties of his office, which oath subscribed by him, shall be filed with the city recorder.

SEC. 4. In case of a vacancy in said office, however the same may occur, such vacancy shall be filled until the next ensuing election by the common council of said city.

SEC. 5. The compensation of said marshal shall be the same as that appertaining to the several offices hereby consolidated: *Provided however*, That the whole emolument of his office, from whatever source derived, shall not exceed in the total, the sum of four hundred dollars for any one year, and it shall be the duty of said marshal to keep a just and correct account of all the fees, perquisites and emoluments of his office, received and charged with the specific service for which such fees were received or charged, and lay the same before the common council from time to time, as he shall be required, and verify the same by his oath if so required by the common council, which accounts shall be filed by the recorder and preserved in his office.

SEC. 6. This act shall take effect and be in force from and after its passage.

CHAPTER CCCXLVII.

An Act to incorporate the Anderson, Alexandria, and Jonesborough Plank Road Company.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Townsend Ryan, George Smith, William R. O'Neal, William T. Scott, John S. Moore, and Nathan Tomlinson, of Madison county, and Aaron Hill, William F. Spence, and David Stanfield, of the county of Grant, be and they are hereby appointed commissioners to open books at suitable places in the State of Indiana, for subscriptions to the capital stock of a company for the construction of a Plank Road from Anderson, in Madison county, by way of Alexandria, to Jonesborough in Grant county, in the State of Indiana, to be called "The Anderson, Alexandria, and Jonesborough Plank Road Company," at any time within one year from the passage of this act. *Provided*, Said commissioners, or any three of them, shall give twenty days' notice of the times and places of opening said books, by publishing in one or more newspapers published nearest the contemplated line of said Road.

SEC. 2. Said commissioners shall determine at what point or points books shall be opened, and the length of time they shall be continued open at each point, for subscription of stock to said company.

SEC. 3. The stock of said company may consist of money, labor, materials, or such other property, real or personal, as may be agreed upon by the commissioners or Board of Directors, at any time after the said board shall be elected, as hereinafter provided; and whenever ten thousand dollars shall have been subscribed as stock in said company, and the sum of two thousand dollars thereof, in cash, lands, or approved promissory notes given without relief from appraisement laws, shall have been received by said commissioners, it shall be their duty to order an election for directors of said company, to be held at some convenient place on or near the line of said road, which time and place shall be designated by giving at least twenty days' notice thereof in one or more newspapers published nearest to the line of said road.

SEC. 4. All subscriptions to the stock of said company, other than cash, shall be received only at such valuation as shall be affixed thereto by three disinterested appraisers, to be appointed by the directors of said company.

SEC. 5. Said commissioners, or a majority of them, shall attend said election, and conduct the same by opening a poll, and receiving votes, between the hours of 10 o'clock, A. M., and 4 o'clock, P. M.,

of said day; and after the voting shall have been closed, they shall immediately open and count the polls or ballots, and shall disclose the number received by each individual voted for, and declare those having received a majority, or the highest number of votes, to have been duly elected directors.

Sec. 6. The directors of said company shall be seven in number, five of whom shall form a quorum for the transaction of business; all vacancies occurring in said Board shall be filled by a majority of said directors, and the person appointed by said board shall serve until a new board shall be chosen and qualified. *Provided, however*, That no person shall be eligible to hold the office of director, who is not a stockholder in said company; and every director thus chosen shall serve as such until his successor is elected and qualified.

Sec. 7. At all elections for directors, each stockholder shall be entitled to vote as follows: For each share, not over ten, one vote; for each five shares over ten, one vote. *Provided*, No stockholder shall be entitled to more than fifty votes; and such votes shall be cast in person, or by *proxy* appointed thereunto in writing and signed by said stockholder; and no stockholder shall be entitled to vote after the first election unless the stock by which he claims to vote shall have been held by him at least three months prior to such election, and no officer of said company shall vote at any election of directors as agent, attorney, or proxy, of any stockholder.

Sec. 8. The board of directors first chosen according to the provisions of this act, shall meet at such time and place as a majority of the commissioners aforesaid may designate, whose duty it shall be to give said directors notice thereof, within ten days after such election, at which meeting it shall be the duty of said directors to appoint one of their number President of said Board, and they shall also elect a Treasurer and Secretary of said company, whose duties, terms of service, and compensation, shall from time to time be regulated by said Board.

Sec. 9. Said board of directors shall, at their first or some subsequent meeting, fix the time for their next annual election of directors, not more than one year from the time of said meeting, and all subsequent elections for directors shall be held annually thereafter, and conducted in such manner as the board may prescribe.

Sec. 10. One month's notice for the election of directors at each annual election shall be given by the publication thereof in one or more newspapers near the line of said road.

Sec. 11. Each board of directors shall continue in office for the space of one year, and until a new board are chosen and qualified; and in case any annual election shall not be held on the proper day for holding the same, it shall be held at some early day thereafter, to be fixed and appointed by the directors then in office, giving the same notice thereof as is required to be given for elections regularly held.

Sec. 12. The aforesaid commissioners, as soon as the first board of directors of said company may have been organized, or within ten days thereafter, shall deliver over to the said Board the subscription books of stock, and shall pay over to the order of said Board all moneys or property received by them on such subscription, and in case any one or more of said commissioners shall fail, neglect, or refuse to do so, or shall have destroyed or concealed any of said books, with intent to defraud said company, or any stockholder or stockholders thereof, such commissioner or commissioners so offending, shall, upon conviction thereof, by presentment or indictment, be fined in any sum not exceeding ten thousand dollars, and be imprisoned at hard labor in the State prison for a term of time not exceeding ten years, nor less than one year.

Sec. 13. The board of directors of said company shall have power to supply vacancies in the offices of President, Secretary, and Treasurer of said company, and to meet from time to time, as often as may be thought expedient, and to adjourn from time to time as they may think necessary; to adopt and establish such rules and regulations, and make such by-laws, not inconsistent with the laws of this State, as in their judgment the business of the company may require, and are necessary for the better organization of the company, and to enable them to do and perform their duties and carry out the designs of the powers granted by this act, and alter and amend at pleasure any by-law of said company as the said board may deem necessary; to appoint all subordinate officers, engineers, agents, and workmen, that may be necessary to carry out the objects of said company; to demand at such time and in such proportion as they shall see fit, the sums of money, or subscriptions in labor or materials, due by stockholders on their respective subscriptions of stock, under pain of forfeiture to the company of the shares of their stock, and all previous payments thereon, or of such other penalties as may be prescribed by the by-laws of said company—or to sue therefor and recover the amount due in an action of debt or assumpsit in any court of competent jurisdiction; to issue proper certificates of stock to the stockholders; and to determine in what manner and under what restrictions the shares of stock shall be transferable; to fix the compensation and prescribe the the duties of the several officers and agents in the employ of the company; to require such bonds, obligations, and securities, from the Treasurer, Secretary, and other officers of the company, as may be deemed necessary; to open and continue open as long as necessary, books for subscription of stock in said company; to acquire, purchase, sell, lease, and dispose of real estate, for the use of the company; to establish and construct toll-houses, offices, mills, and all necessary structures, fixtures, machinery, and apparatus for building and keeping in good repair and order said Plank Road; to order and cause to be made all estimates, surveys, and lettings of work, at such time and places as they may

determine; to prescribe such form of contracts, rules, regulations, and specifications for the performance of work, as they may judge proper; to make and construct, and keep in constant repair, said road; to make and declare dividends of profits and income of said road, and its appurtenances, mills, and such other sources of income as said company may have, among the stockholders, at such time as they may deem expedient; and to do all other necessary and proper acts, in accordance with the provisions of this act, according to its true intent and meaning.

SEC. 14. The said directors, when elected, and their successors in office, are hereby constituted a body corporate and politic by the name and style of "The Anderson, Alexandria, and Jonesborough, Plank Road Company," and by such name may sue and be sued, plead and be impleaded, answer and be answered unto, either in law or in equity, in any court of competent jurisdiction within this State, and may make and adopt a common seal, and the same to alter at pleasure.

SEC. 15. The capital stock of said company may be seventy-five thousand dollars, and may be increased by said company, if by them deemed necessary, to any sum not exceeding one hundred thousand dollars; if deemed necessary for the legitimate objects of said company, said stock shall be deemed personal property.

SEC. 16. Said stock shall be divided into shares of twenty-five dollars each, and may be taken by any individual, corporation, township, or county, in or out of this State, to be paid for and at such times as provided for in sections three and thirteen of this act, the payments being made equal, *pro rata*, upon stockholders.

SEC. 17. This company is hereby empowered to take possession of any State or county road, or any part or parts of such roads, as may lie in the way of, or conveniently thereto, a line running on the cheapest, and best, and most direct route from Anderson to Jonesborough, *via* Alexandria. They may also enter upon the lands of any person or persons, natural or corporate, for the purpose of locating and constructing said road, and take and use for the purpose aforesaid, any timber, stone, or gravel, or other materials, necessary for constructing the same.

SEC. 18. The road herein contemplated shall be laid out and constructed upon the cheapest, best, and most direct route from Anderson to Jonesborough, *via* Alexandria, and commenced within three, and finished within ten years, after the passage of this act. Said road shall be constructed of plank, gravel, stone, or other hard material, and shall have a width of sixty feet, and a track of at least sixteen feet wide, one-half of which track at least shall be laid with such plank, gravel, or other hard material, so as to make a hard, smooth, and even surface; and the manner of building or constructing said road shall be determined upon by the directors thereof. And whenever said company shall have constructed four

continuous miles of said road, they may erect a toll gate thereon, and charge and receive toll as hereinafter provided; and for every continuous additional four miles thereafter completed, they may erect an additional gate thereon, and charge and receive toll as hereinafter provided.

SEC. 19. Whenever any disputation may arise between said company and any person through whose lands said road may be located, relative to the right of way, or the price and value of any materials taken by said company for the construction of said road, it shall be lawful, and either party may make complaint to a disinterested justice of the peace, who shall summon a jury of twelve freeholders or householders, or such less number as may be agreed upon by the parties, who shall take into consideration all the benefits of said road, and return a verdict according to the very right of the case, upon which such justice shall render judgment, issue execution, &c., as in other causes; from which judgment either party shall have the right to appeal, as in other causes tried by a justice of the peace.

SEC. 20. Sections 20, 21, 22, 23, 24, and 25, of an act entitled "An Act to incorporate the Central Plank Road Company," approved January 16, 1849, are hereby adopted and made a part of this act of incorporation.

SEC. 21. The corporation hereby created, shall exist and be continued for seventy-five years; and the Legislature may, at any time when said company shall have violated the provisions of this act of incorporation, repeal the same; and this act may, at any time, be altered or amended, at the request of a majority of the stockholders.

SEC. 22. This act shall be in force from and after its passage, and shall be taken and deemed a public act, and liberally construed to effect the objects contemplated in the same.

SEC. 23. The president and directors shall be individually liable for all debts contracted by said company beyond the amount of good and solvent stock subscribed, and secured to said company.

CHAPTER CCCXLVIII.

An act to incorporate the Franklin and Shelbyville Turnpike Company.

[APPROVED FEBRUARY 14, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all such persons as shall become stockholders, pursuant to the provisions of this act, are hereby constituted a body corporate by the name of the Franklin and Shelbyville Turnpike Company, and by that name shall have perpetual succession, and shall have power to sue and be sued at law and in equity, in any court of competent jurisdiction, to contract and be contracted with, to acquire, purchase, hold, possess, occupy, and enjoy, either by purchase, mortgage, lease, or assignment, such real and personal estate and property as may be necessary to effect or secure the purposes of their association, and the same or any part thereof, to lease, rent, mortgage, assign, and sell and convey, whenever it may be convenient and necessary so to do; *Provided*, that the real estate hereby authorized to be held, shall not at one time exceed in value ten thousand dollars. The capital stock of said company shall be twelve thousand dollars, which may be increased as hereinafter provided, to fifty thousand dollars. Such capital stock shall be divided into shares of twenty-five dollars each.

SEC. 2. That Robert Hamilton, Joseph Teatrick, James N. Waggoner, John Owens, and William Needham of Johnson county, and Jesse Beard, Zachariah Webb, Benjamin Rice, and Ephraim Tucker of Shelby county, and such persons as they may appoint, are hereby appointed commissioners to open books and receive subscriptions of stock, all or any one of whom, so soon as a majority of said commissioners deem best, shall open said books for the subscription of stock of said company at such places as they may agree upon, and said books shall continue open until two hundred shares shall have been subscribed for, and so soon as that amount shall be subscribed, said commissioners may call a meeting of the stockholders in said company, to be held at such time and place as said commissioners shall agree upon, and under the supervision of said commissioners, the stockholders shall proceed to elect seven directors of said company, to serve as such for one year, and until their successors are elected and qualified.

SEC 3. Annually upon such day, and at the place where the office of said company is held, there shall be an election of seven directors, who shall in like manner continue in office, until their successors are chosen and qualified; and at such elections, the seven persons having the greatest number of votes shall be declared elected;

Provided, That no person shall be eligible as director who is not a stockholder in said company.

SEC. 4. At all elections each share of stock to the number of twenty, held by one person, shall represent one vote and so entitle the holder, and one additional vote for each additional three shares, held by one person, shall be allowed. All votes may be given by proxy as well as in person. All elections after the first, shall be conducted by the existing board.

SEC. 5. All vacancies in the board shall be filled by the remaining directors, and any person ceasing to be a stockholder, shall thereby vacate his office.

SEC. 6. The directors immediately after their election, shall hold a meeting and elect one of their number president of the board, and shall then, after taking an appropriate oath of office, be capable of discharging the duties devolved upon them by this act.

SEC. 7. Five directors shall be able to form a quorum and transact business.

SEC. 8. The affairs and business of the company shall be entirely under the direction and control of the board of directors; and they are hereby authorized to do, transact, and perform for, and on behalf said company, whatever the same, under this act, is authorized to do and perform, and to make, appoint, and employ, and [at] pleasure to remove and discharge all such agents, attorneys, officers, mechanics, workmen, laborers, and servants as shall be necessary to construct the road herein contemplated, or for the transaction of any other business of the company, and to allow them severally a suitable compensation for their services. Said board shall also appoint a secretary and treasurer for said company, each of whom shall be removable at pleasure. They shall cause the secretary to keep complete entries in appropriate books, of all their acts and doings, and the same shall at all times, be open to the inspection of any stockholder. They shall also have power to make, ordain, establish, and enforce all such rules, ordinances, and by-laws as shall be necessary for their own regulation for determining and directing the conduct of their agents, officers, workmen, and all other persons in their employment, the same not being inconsistent with the laws of this State. The said board shall have power to make use and adopt a common seal, and to alter, amend, or renew the same at pleasure.

SEC. 9. Said company are hereby empowered to construct, complete, and keep in repair a turnpike road from Franklin, in Johnson county, by the way of Garrison's Mills, on Sugar Creek, to Shelbyville, in Shelby county, and if in the exercise of these powers it becomes necessary for them to use timber, or any other materials for which they have obtained no release from the owner, they shall in appropriating the same to their use, be governed by the provisions of the act entitled "an act to provide for a general system of internal

improvements," approved January 27th, 1836, and acts amendatory thereto, in like cases.

Sec. 10. The board of directors shall have power to demand of the stockholders payment of their stock in such manner and at such times as the exigency of the company's interests may demand, not exceeding in any one call for payment, a proportion exceeding twenty-five per cent., or in any one year a proportion exceeding fifty per cent., and not until thirty days' notice of such call shall have been given by publication in a newspaper published in the county of Johnson, or by written notice, and if any stockholder shall neglect or refuse to pay the assessments so made on his subscription, the said board in their discretion may declare his stock and all former payments thereon forfeited, and may thereupon take and hold the same as absolutely forfeited, or the same may be collected by suit.

Sec. 11. Whenever the board of directors shall discover that an increase of stock is desirable, they may after fifteen days' notice of the time and place of so doing open books for the subscription of additional stock to be regulated by such rules as they in their discretion may adopt.

Sec. 12. The stock of said company shall be transferable or assignable on the books of said company in such manner as the board may direct, and such stock shall in all respects, be held and considered as personal property and as such subject to execution against the owner and stockholder.

Sec. 13. In all contracts in which, between natural persons, a seal is not required by law, the said corporation shall be bound by the signature of the president, attested by its secretary, and all instruments, deeds, mortgages, covenants, or conveyances which by-law require a seal, shall be signed by the president attested by the secretary and sealed with the corporate seal of the company.

Sec. 14. The treasurer shall give bond to the satisfaction of the board, conditioned for the faithful performance of his duty, and to account for all moneys which come to his hands as such treasurer. He shall receive all moneys belonging to the company, and pay the same out only on the order of the board. He shall keep complete and full books indicating fully his liabilities and credits as well as the entire financial condition of the company, which books shall always be open to the inspection of any stockholder.

Sec. 15. Said road shall be laid out not less than thirty nor more than forty feet wide, not less than eighteen feet of which shall be graded at such an angle as said board shall determine, and such proportion of said grade as may be deemed necessary, shall be faced with plank, gravel, broken stone, clay, or timber, as may by said board be agreed upon, so as to secure a firm and safe road for transit.

Sec. 16. Said road, with the consent of the county boards interested, may be laid out on any county or State road contiguous to the line of its location, or upon any portion of such road; *Provided*, said boards of commissioners of the counties of Johnson and Shelby, at the time of consenting to such location, may, if they think proper, fix a rate of tolls to be entered upon the records of said boards, above which rates said company shall never be allowed to charge without the consent of said boards.

Sec. 17. Said company shall have the right to collect such rate of tolls for transit upon said road as the board of directors may, from time to time, agree upon; *Provided*, no increase of tolls shall be made until after the same has been advertised by newspaper notice at least thirty days—the same not to exceed the amount fixed by said county boards; *And provided, further*, that said county boards shall have no power to fix rate of tolls after consenting to the location of the road; *Provided, further*, That no toll gate shall be established within one mile of the court house of said towns of Franklin and Shelbyville.

Sec. 18. The office of said company, unless otherwise ordained by the board of directors, shall be kept at Franklin.

Sec. 19. It shall be the duty of the board to cause notice of the rates of tolls, and penalties to be put and kept up in conspicuous places at each of their toll gates.

Sec. 20. Any person who shall injure, obstruct, or destroy any portion of said road or its appurtenances, such person shall forfeit and pay to said company any sum not less than ten dollars for each, and every such injury or obstruction.

Sec. 21. If any person or persons using said road shall, with intent to defraud said corporation, or to avoid the payment of tolls pass through any private way, gate, or bars, or along any ground, near to any gate of said company, which shall be inclosed pursuant to the provision of this act, or shall practice any fraudulent means with intent to lessen the tolls due from him or them; or if any person shall take any other person off said road with intent to defraud said company, each and every person concerned in such fraudulent practice shall for every such offence, forfeit and pay to said company the sum of five dollars, without any relief from valuation, appraisement, or stay laws, to be recovered by action of debt, at the suit of said company, before any justice of the peace, in the county in which said act was committed; *Provided*, persons living along the road shall not be prohibited passing along and upon said road around their premises between gates, on their ordinary business.

Sec. 22. That if said road after its completion, or any portion thereof, shall be suffered to go to decay, or be impassable one year, except when undergoing repairs, this charter shall be considered as forfeited, and during the time of its construction, or after the same is completed, said company shall be permitted to charge tolls only upon so much of said road as is kept in repair.

Sec. 23. Should any gate keeper on said road unnecessarily hin-

der or detain any passenger after the fixed rates of tolls shall have been tendered or shall charge a higher rate than that fixed upon as herein provided, he shall forfeit and pay to such passenger the sum of five dollars, and such further damage as may be adjudged by the court or jury trying the case, recoverable before any court of competent jurisdiction; *Provided*, suit therefor, shall be brought within twenty days next after the offence is committed.

Sec. 24. The board of directors shall semi-annually declare such dividends of the profits of their transactions, including as well such as arise from tolls as that acquired from other sources, as they shall deem for the interest of the company. The president, directors, secretary, and treasurer, shall each receive such compensation for their services as may be determined by the stockholders from time to time, at their annual elections.

Sec. 25. Service and process against the company shall be sufficient if made on the president thereof.

Sec. 26. This act for all judicial purposes is declared a public act, and the same shall be in force from and after its publication.

CHAPTER CCCXLIX.

An act to incorporate a gas-light company in the city of Madison.

[APPROVED FEBRUARY 14, 1851.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Thomas J. Goodman, sr., Thomas J. Goodman, jr., Samuel B. Sering, Henry Goodman, and their successors in office, be, and they are hereby created a body politic and corporate with perpetual succession, with full power of contracting and being contracted with, sueing and being sued, defending and being defended, in all courts and places, and with full power to acquire, hold, and enjoy all such real and personal estate as may be necessary aud proper for the construction, extension and usefulness of the works of said company, and for the management and good government of the same, and to have and use a common seal, and the same to change and alter at pleasure.

Sec. 2. That said corporation shall have and possess full power and authority for the period of twenty-five years to manufacture and sell gas to be used within the city of Madison as it now is or

may hereafter be enlarged for the lighting said city and the streets thereof and any buildings, manufactories, public places or houses situate in said city, and may erect all works and apparatus necessary for the purpose, and may lay down pipes in and through any of the public streets, alleys and courts within the same for the purpose of conveying and conducting gas along the same, and repair said pipes; the said company making no greater obstruction in said streets, alleys, or courts than are necessary for carrying into effect the provisions and privileges of this act.

Sec. 3. The capital stock shall be fifty thousand dollars which may be increased by the directors of said company from time to time as their necessities or wants may require to two hundred thousand dollars; said stock may be divided into shares of twenty-five dollars each, and so soon as thirty thousand dollars shall have been subscribed and either paid in or secured to be paid to the satisfaction of said directors, it shall be lawful to commence the construction of said works.

Sec. 4. The affairs of said company shall be managed by five directors, to be elected as hereinafter directed, and until said election shall take place, the above named persons shall be the directors of said company with full power to manage its affairs and its finances, and they shall cause books to be opened at such time and place within the city of Madison as they shall designate, and under such regulations as they may think proper, giving ten days' notice of such time and place for opening the same in some one or more of the newspapers published in said city.

Sec. 5. The directors of said company shall appoint one of their body president of said company, and when thus organized, may appoint a secretary and other agents and servants as they may deem necessary to carry into effect this act; they shall keep a record of their proceedings, and may make such rules, by-laws and regulations as they may think proper to govern their acts, and for the sale, disposition, and transfer of stock, which by-laws, &c., shall be put on their records; and they shall provide by such rules the time and place of meeting, and by what authority they shall be called together, and how vacancies shall be filled, and the day on which their annual elections, (after their first election) shall be held.

Sec. 6. If said company shall so construct or manage their works or suffer them to get out of repair so as that it becomes a nuisance; the directors of said company may be indicted for a nuisance in the Jefferson circuit court as others are indicted for like offences, and such nuisances may be abated either by the circuit court or the city authority.

Sec. 7. Should any person subscribe stock in said company and neglect or refuse to pay the same when called for by the board of directors, they may be sued for the same and the amount collected with ten per cent. damages; and said directors are hereby author-

ized to make such call on the subscribers to stock as they may think proper, not exceeding one-fourth of the amount subscribed, every sixty days after the publication of such call for a fourth as aforesaid, in some newspaper in the city of Madison.

SEC. 8. That if any person shall in any way injure or destroy the pipes of said company or their fixtures or apparatus or any other property belonging to or in the use of said company, such person shall be fined in any sum not exceeding double the value of said property, and the said company may bring an action on the case against such person or persons and recover full damages for such injury.

SEC. 9. That such corporation shall furnish such number of lights for said city of Madison as its inhabitants may require from time to time, or contract between said company and individual individual inhabitants of said city or companies in the same, and sufficient for all public buildings and public grounds, streets, lanes, and alleys, to be used only on contracts between the city or the county as the case may be, and such company: *Provided*, The lights shall at all times be furnished to the city of Madison as a corporation on as good terms as the same is usually furnished to the city of Cincinnati or other western cities, which may be the cheapest in all cases when the city of Madison shall furnish the lamp-posts, the lamps, and meters.

SEC. 10. That in all cases when the city of Madison shall at any time desire to erect lamps in a distant and disconnected part of the city where it would be unreasonable to require said company to erect the same, the common council shall have the privilege of extending the gas pipes to such place, on its own account, and to erect such number of lamps as it may think proper; and the said gas company shall supply the same with gas on the terms above set forth; and such pipes and such fixtures of the street, alley, or lane thus used by the city shall not be used by said company until they shall have been paid and refunded to said city.

SEC. 11. That the said company shall complete the erection of said gas works ready for furnishing a sufficient number of burners for the use of the inhabitants of said city, and the city, also, by the 1st day of December 1854: *Provided*, That said company shall not be compelled to lay down more than 4,000 feet of leading pipe by that day, and not more than that amount of leading pipes every year thereafter; nor shall they be compelled after that day to lay down more at any time than is reasonable and in accordance with the demand.

SEC. 12. That a temporory failure on the part of said company to perform any part of the conditions exacted of them by this charter, when such failures are occasioned by accidents or untoward events, shall not work a forfeiture of their privileges and of this act:

Provided, That such acts or exactions are fulfilled in a reasonable time.

SEC. 13. That said company shall at all times furnish gas sufficient to supply the inhabitants of said city when it is reasonable for them to do so, and whenever such company shall fail in any of their duties for an unreasonable time, it shall forfeit this charter and all the privileges hereby granted,

SEC. 14. That at the end of twenty-five years the city of Madison shall have the privilege of purchasing out the stock of said company at its true value, to be ascertained by two persons appointed by the city and two persons appointed by the company, and they to appoint a fifth to put a value on said stock; and if the city refuses to purchase the same at that valuation, this charter shall be extended for ten years longer, and such privilege shall be extended to the city every ten years thereafter, on a failure to purchase as aforesaid; the same is to be continued for ten years at a time until the city shall purchase the same.

SEC. 15. That this company shall have the privilege of furnishing gas-lights for the said city or its inhabitants while they have this charter: *Provided*, That nothing herein contained shall prevent any person or persons or any company from furnishing gas or any other lights for their own use.

SEC. 16. This act to be in force from and after its passage.

CHAPTER CCCL.

An act to change the name of the town of Portland, in Hancock county, to that of Cleveland, and to incorporate the same.

[APPROVED FEBRUARY 11, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the name of the town of Portland, in Hancock county, Indiana, be, and the same is hereby changed to that of Cleveland.

SEC. 2. That the inhabitants of so much of the county of Hancock as is contained within the following boundaries, to-wit: commencing on the west line of the farm owned by Temple Stuart at a point due east of the north line of the original plat of said town, thence west with the north line of said town to the east line of the farm owned by John

Thompson, thence south on said Thompson's east line to a point on a line with the south line of the original plat of said town, thence east to the west line of said Stuart's farm, thence north on the west line of said Stuart's farm to the place of beginning, are created a body corporate and politic, by the name and style of the Corporation of Cleveland, and by that name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering, and being answered unto in all courts and places whatsoever.

Sec. 3. The qualified voters within the bounds of the above described territory shall be required to meet on the first Monday of March, 1851, for the purpose of electing four trustees, one secretary, one treasurer, and a marshal, and when so assembled it shall be their duty to select one as inspector, who shall select two judges and two clerks, all of whom being duly sworn, shall proceed to conduct said election in the usual manner of conducting general elections.

Sec. 4. It shall be the duty of the inspector and judges of such election, immediately after such election, to deliver to the persons respectively who received the highest number of votes for the several offices above enumerated, a certificate of election, and the officers so elected shall, within ten days thereafter take the oath of office required by law, which oath shall be endorsed on such certificate.

Sec. 5. The trustees so elected shall within ten days after such election meet and organize by electing one of their number president, and the treasurer and marshal so elected as aforesaid shall within the time last named execute respectively their bonds payable to the State of Indiana in a penalty of not less than five hundred dollars each for the faithful discharge of their respective duties.

Sec. 6. The officers elected under the provisions of this act shall serve one year, and until their successors are elected and qualified, and the annual elections for such officers shall be held on the first Monday in March, annually.

Sec. 7. The President so chosen shall preside at all meetings of the board, and sign all ordinances and by-laws which may be adopted by said board for the better regulation and government of said town, which ordinances and by-laws said trustees are hereby authorized to adopt, and the penalty for violations of ordinances of said town shall be recovered in an action of debt before any justice of the peace having competent jurisdiction, in the name of the Corporation of Cleveland.

Sec. 8. At the first meeting of the board after the annual election (if the newly elected officers shall have been qualified as required by this act, and if not then at the first regular meeting after they shall have been so qualified) said trustees shall have power, annually, to levy and collect a tax on real and personal property, not to exceed one-fourth of one per centum on its valuation, and on all

shows, exhibitions, or amusements which may be exhibited for gain in said town, not less than one, nor more than ten dollars for every exhibition, and further, said trustees shall have power to pass such laws or ordinances as may be necessary to guard against damage by fire, and generally to enforce by proper penalties the observance of all laws and ordinances relative to the police and government of said incorporated town: *Provided, however*, That before the laws or ordinances of said town shall be in force, true copies thereof attested by the secretary shall be posted up in three public places in said town for ten days.

Sec. 9. The regular meetings of said board shall be held on the second Tuesday in each month, but the president shall have power to call special meetings of said board when in his opinion business requires.

Sec. 10. The secretary shall attend all meetings of the board, shall make a record of all their proceedings in a book kept for that purpose, enter in said book all laws and ordinances passed by said board, and post up true copies of the same as in this act required, within a reasonable time after the same shall have been adopted; and when said board shall direct it shall be the duty of said secretary to procure from the county auditor an abstract of all the taxable property within the bounds of said corporation, which abstract shall govern said secretary in making out his duplicate.

Sec. 11. It shall be the duty of the treasurer, whenever he is furnished with a duplicate of taxes to be collected, duly certified to by the secretary of said corporation to proceed to the collection of the same within such time as the board may direct, and for such services the board may allow what amount they think just and right.

Sec. 12. Upon failure of any person or persons owning real estate in said corporation, to pay the taxes assessed thereon for two successive years, the same may be sold for such taxes at such time and place in said town as said board may direct, and like notice shall be given of such sale as is now required in the county of Hancock for sales for non-payment of State and county tax, and in conducting such sale the secretary and treasurer of such town shall be governed in all respects by the law now in force regulating such sales for county and state taxes, and the law now in force relative to redemption, interest, and penalty shall apply in all cases of sales of land or lots for taxes in said town, and at the expiration of two years from the sale of any such land or lots for taxes as aforesaid, if the same be not redeemed, and if said sale be valid the purchaser, or purchasers, may demand and receive a deed for such land or lot, which deed shall be signed by the secretary and president of said board, and attested by the treasurer thereof, and shall have the same force and effect as deeds made by county auditors for lands sold for taxes not redeemed, and for every such deed so executed as aforesaid and duly acknowledged, the said president shall be entitled

to demand and receive from the purchaser the sum of fifty cents, and when taxes are due on personal property alone and the same shall not be paid within such time as the board may direct, the treasurer may levy on such personal property, and sell the same by public auction for the payment of such taxes, having first given ten days' notice of the time and place of such sale by written notices posted up in three public places in said town.

SEC. 13. The bounds of said incorporation shall constitute one road district, which road district shall be under the control of the board, who may order the marshal to keep the same in good repairs, which marshal shall have all the authority of a supervisor over the hands within the bounds of said district, which marshal shall be allowed such compensation as the board may deem just and right.

SEC. 14. All moneys arising from fines, taxes, licenses, and other sources accruing under the regulations of said corporations shall be paid into treasury thereof, and shall be expended under the direction of the board in the repairs of streets, and such other improvements as they may deem most expedient, first deducting therefrom all allowances made by said board to themselves or others.

SEC. 15. This act to be in force from and after its passage.

CHAPTER CCCLI.

An act to authorize the formation of Gas-light companies.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That any three or more persons, who may desire to form a company for the purpose of manufacturing gas for lighting the streets and public and private buildings of any city, village or town in this state, except the city of Madison, may make, sign and acknowledge before some officer competent to take the acknowledgment of deeds, and file in the office of the recorder of the county in which the business of the company may be carried on, and a duplicate thereof in the office of the secretary of state, a certificate in writing, in which shall be stated the corporate name of said company, and the object for which the company shall be formed, the amount

of the capital stock of the said company, the term of its existence not to exceed fifty years, the number of shares of which the said stock shall consist, the number of directors and their names who shall manage the concerns of the said company for the first year, and the names of the town and county in which the operations of the said company are to be carried on.

SEC. 2. When the certificate shall have been filed as aforesaid, the persons who shall have signed and acknowledged the same, and their successors, shall be a body politic and corporate, in fact and in name, by the name stated in such certificate, and by that name have succession, and shall be capable of suing and being sued in any court of law or equity in this state; and they and their successors, may have a common seal, and may make and alter the same at pleasure; and they shall by their corporate name, be capable in law of purchasing, holding and conveying all real and personal estate whatever, which may be necessary to enable the said company to carry on the operations named in such certificate, but shall not mortgage the same or give any lien thereon.

SEC. 3. The stock, property and concerns of such company, shall be managed by not less than three nor more than nine directors, who shall respectively be stockholders in such company, and a majority of whom shall be residents of the state, and who shall, except the first year, be annually elected by the stockholders at such time and place as shall be directed by the by-laws of the company, and public notice of the time and place of holding such election shall be published not less than ten days previous thereto, in a newspaper printed in the place where the operations of the said company shall be carried on, and the election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy; all elections shall be by ballot, and each stockholder shall be entitled to as many votes as he or she owns shares of stock in the said company, and the persons receiving the greatest number of votes shall be directors; and when any vacancy shall happen among the directors by death, resignation, or otherwise, it shall be filled for the remainder of the year in such manner as may be provided for by the by-laws of the said company.

SEC. 4. In case it shall happen at any time, that an election of directors shall not be made on the day designated by the by-laws of said company, when it ought to have been made, the company for that reason shall not be dissolved, but it shall be lawful on any other day to hold an election for directors in such manner as shall be provided for by the said by-laws, and all acts of directors shall be valid and binding as against such company until their successors shall be elected.

SEC. 5. There shall be a president of the company, who shall be designated from the number of the directors, and also such subordinate officers as the company by its by-laws may designate, who may

be elected or appointed, and required to give such security for the faithful performance of the duties of their office as the company by its by-laws may require.

Sec. 6. It shall be lawful for the directors to call in and demand from the stockholders, respectively, all such sums of money by them subscribed, at such times and in such payments or installments as the directors shall deem proper, under the penalty of forfeiting the shares of stock subscribed for, and all previous payments made thereon, if payment shall not be made by the stockholders within sixty days after a personal demand, or notice requiring such payment shall have been published for six successive weeks in any newspaper in the place where the business of the company shall be carried on as aforesaid.

Sec. 7. The directors of such company shall have power to make such prudential by-laws as they shall deem proper for the management and disposition of the stock and business affairs of such company, not inconsistent with the laws of this state, and prescribing the duties of officers, artificers and servants that may be employed, for the appointment of all officers, and for carrying on the business aforesaid.

Sec. 8. The stock of such company shall be deemed personal estate, and shall be transferable in such manner as shall be prescribed by the by-laws of the company.

Sec. 9. A copy of any certificate of incorporation filed in pursuance of this act, certified by the county recorder or his deputy, to be a true copy, and of the whole of such certificate, shall be received in all courts and places as presumptive legal evidence of the incorporation of such company, if the same shall comply with the provisions of this act.

Sec. 10. All the stockholders incorporated under this act, shall be severally individually liable to the creditors of the company in which they are stockholders, to an amount equal to the stock held by them respectively, for all debts and contracts made by such company, until the whole amount of capital stock fixed and limited by such company, shall have been paid in, and a certificate thereof shall have been made and recorded as prescribed in the following section, and the capital stock so fixed and limited shall all be paid in, one half thereof within one year, and the other half within two years from the incorporation of said company, or such corporation shall be dissolved.

Sec. 11. The president and a majority of the directors, within thirty days after the last installment of the capital stock so fixed and limited by the company, and shall make a certificate stating the amount of the capital so fixed and paid in, which certificate shall be signed and sworn to by the president and a majority of the directors; and they shall within the said thirty days, file the same in the office

of the recorder of the county wherein the business of the said company is carried on.

Sec. 12. Every such company shall make a report annually within twenty days from the first day of January, which shall be published in some newspaper published in the city, village or town, where the business of said company is carried on, of the amount of capital, and of the proportion actually paid in, and the amount of its existing debts, which report shall be signed by the president and a majority of the directors, and verified by the oath of the president and secretary of the company; and if any of said company shall fail so to do, all of the directors of the company failing so to do shall be jointly and severally liable for all the debts of the company then existing, and for all that shall be contracted before such report shall be made.

Sec. 13. If the directors of any such company shall declare and pay any dividend, when the company is insolvent, or any dividend, the payment of which would render it insolvent, or which would reduce the amount of their capital, they shall jointly and severally be liable for all the debts of the company then existing, and for all that shall be thereafter contracted, so long as they shall respectively continue in office. *Provided*, That if any of the directors shall, at any time before the time fixed for the payment of such dividends, object thereto, and shall within thirty days thereafter file a certificate of their objection, in writing, with the secretary of the company, and with the recorder of the county, they shall be exempt from said liability.

Sec. 14. If any certificate, report made, or public notice given, by the officers of any such company, in pursuance of the provisions of this act, shall be false in any material representation, all the officers who shall have signed the same, knowing it to be false, shall be jointly and severally liable for all the debts of the company, contracted while they are stockholders or officers thereof.

Sec. 15. The stockholders of any company organized under the provisions of this act, shall be jointly, severally and individually liable for all the debts that may be due and owing to all their laborers, servants and apprentices, for services performed for such corporation.

Sec. 16. No stockholder shall be personally liable for the payment of any debt contracted by any company formed under this act, which is not to be paid within one year from the time the debt is contracted, nor unless a suit for the collection of such debt shall be brought against such company within one year after the debt shall have become due, and no suit shall be brought against any stockholder who shall cease to be a stockholder in such company, nor until an execution against the company shall have been returned unsatisfied in whole or in part.

Sec. 17. Any corporation formed under this act, shall have full

power to manufacture and sell, and to furnish such quantities of gas as may be required in the city, town or village where the same may be located, for lighting the streets, and public and private buildings, or for other purposes; and such corporation shall have power to lay conductors for conducting gas through the streets, lanes, alleys, and squares, in such city, town or village, and under such reasonable regulations as they may prescribe; and such municipal authorities shall have power to exempt any corporation formed under the provisions of this act, from taxation on their personal property for a period not exceeding three years from the organization of said corporation.

SEC. 18. Any person wilfully injuring or causing to be injured, any property of any corporation created under this act, shall forfeit and pay to the said corporation treble the amount of damages sustained by such injury, to be recovered in any court having cognizance thereof.

SEC. 19. Any corporation which may be formed under this act, may increase and diminish its capital stock by complying with the provisions of this act, to any amount which may be deemed sufficient and proper for the purposes of the corporation. But before any corporation shall be entitled to diminish the amount of its capital stock, if the amount of debts and liabilities shall exceed the amount of capital to which it is proposed to be reduced, such amount of debts and liabilities shall be satisfied, and reduced so as not to exceed such diminished amount of capital; and any existing company heretofore formed under any special act, may come under and avail itself of the privileges and provisions of this act, by complying with the following provisions, and thereupon such company, its officers and stockholders, shall be subject to all the restrictions, duties and liabilities of this act.

SEC. 20. Whenever any company shall desire to call a meeting of the stockholders for the purpose of availing itself of the privileges and provisions of the act, or for increasing or diminishing the amount of its capital stock, or for extending its business, it shall be the duty of the directors to publish a notice signed by at least a majority of them in a newspaper in the county, if any shall be published therein, at least six successive weeks, and to deposit a written or printed copy thereof, in the post office, addressed to each stockholder, at his usual place of residence at least four weeks previous to the day fixed upon for holding such meeting, specifying the object of the meeting, the time and place when and where such meeting shall be held, and the amount to which it shall be proposed to increase or diminish the capital and the business of such company so extended, and a vote of at least two-thirds of all the shares of stock shall be necessary to an increase or diminution of its capital stock, or the extension of its business as aforesaid, or to enable a company to avail itself of the provision of this act.

SEC. 21. If at any time and place specified in the notice provided for in the preceding section of this act, stockholders shall appear in person or by proxy, in number representing not less than two-thirds of all the shares of stock of the corporation, they shall organize by choosing one of the directors chairman of the meeting, and also, a suitable person for secretary, and proceed to a vote of those present, in person or by proxy, and if on comparing the votes, it shall appear that a sufficient number of votes has been given in favor of increasing or diminishing the amount of capital, or of extending its business as aforesaid, or for availing itself of the privilege and provision of this act, a certificate of the proceedings showing a compliance with the provisions of this act, the amount of capital actually paid in, the whole amount of the debts and liabilities of the company, and the amount to which the capital stock shall be increased or diminished, shall be made out, signed, and verified by the affidavit of the chairman and be countersigned by the secretary, and such certificate shall be acknowledged by the chairman, and filed as required by the first section of this act; and when so filed, the capital stock of such corporation shall be increased or diminished to the amount specified in such certificate, and the business extended as aforesaid, and the company shall be entitled to the privileges and provisions, and be subject to the liability of this act, as the case may be.

SEC. 22. At any time after twenty years from and after the organization of any corporation formed under this act, the Legislature may annul such corporation; but the dissolution of such company shall not take away or impair any remedy given against such corporation, its stockholders or officers, for any liability which shall have been previously incurred.

SEC. 23. Upon the dissolution of any corporation created under this act, unless other persons shall be appointed by the Legislature, or by some court of competent authority, the directors of such corporation at the time of its dissolution, shall be the trustees of the creditors and stockholders of the same, and shall have full power to settle the affairs of such corporation, collect and pay the outstanding debts, and divide among the stockholders the moneys and other property that shall remain after the payment of the debts and necessary expenses.

SEC. 24. The persons so constituted trustees, as provided for in the preceding section, shall have authority to sue for and recover the debts and property of any corporation formed under this act, and which may be dissolved, by the name of the trustees of such corporation, describing it by its corporate name, and shall be jointly and severally responsible to the creditors and stockholders of such corporation, to the extent of its property and effects that shall come into their hands.

SEC. 25. Nothing contained in this act shall be so construed as to impair or affect the rights of any corporation heretofore created under

any special act, without the assent of such corporation shall be first given thereto, in the manner hereinbefore designated in the twentieth and twenty-first sections of this act.

Sec. 26. This this act shall take effect and be in force from and after its passage.

CHAPTER CCCLII.

An act to incorporate the Charleston and Brownstown Plank Road Company.

[APPROVED FEBRUARY 8, 1851.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That John C. Parker, James Boyer, Samuel C. Overman, and Alexander Mars, of the county of Clark; and John Clark, and Monroe Applegate of the county of Scott; and Hezekiah Thomas, and Dow Garriot, of the county of Washington; and John Downing, David Henderson, William Edwards, John Thompson, Jesse T. Rucker, William H. Ewing, Walter Benton, William C. Denland, Charles L. Wayman, Frederick Miller, and Samuel W. Smith, of the county of Jackson, and their successor in office duly elected as hereinafter directed, are hereby constituted and appointed a body politic and corporate, and by the name and style of the president and directors of the Charleston and Brownstown Plank Road Company, shall be able and capable in law and equity, to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto, in any of the courts of justice whatsoever, and to make and use a common seal, and the same to alter at pleasure, and shall be able and capable in law to make contracts and enforce the same, and to make and enforce the necessary by-laws, rules and regulations, to enable them to carry into effect the provisions of this act and the objects contemplated by the same, not inconsistent with the laws and constitution of this state.

Sec. 2. The capital stock of said corporation shall be one hundred and twenty-five thousand dollars, to be divided into shares of twenty-five dollars each.

Sec. 3. The directors named in this act, or a majority of them, may meet at such time and place as they may agree upon, and organize said corporation by electing one of their body to be president, and a secretary who may or may not be one of their body, and after such organization, any five of the board shall be a quorum.

Sec. 4. The corporation shall have power to appoint agents, treasurers, and all other officers and persons necessary to carry into effect the objects of this act; they shall keep a journal of all their proceedings, in which shall be entered all the by-laws, rules and regulations, and all orders for the payment of such allowances as may be made to their officers and all others in their employ, which journal shall be read from time to time by the board, and if found correct, shall be signed by the president; they may sit on their own adjournment, or on the call of the president. When the president is absent they may appoint a president *pro tempore*—they shall fill all vacancies that may happen in their body.

Sec. 5. The corporation shall cause books to be opened for subscription to the capital stock at such time and place or places as they may choose, and due notice thereof shall be given; in each of which books the following entry shall be made:—"We, the undersigned, promise to pay the sum of twenty-five dollars for each share of stock set opposite our names, in such manner and proportion and at such times as the president and directors of said corporation may direct."

Sec. 6. It shall be lawful for all persons of lawful age in the counties of Clark, Scott, Washington and Jackson, to subscribe for any amount of the capital stock; and the books shall be kept open for such space of time and at such place or places as the corporation shall choose, and may be re-opened at any time; they may by agent offer for sale in any other counties or states, any amount of stock upon such terms and conditions as may be thought advisable, and they shall have power on their credit to borrow money on such terms as may be agreed upon by the parties; the corporation may require such sum of money to be paid at the time of subscribing, not exceeding five dollars on each share, as they may think proper; but such requisition shall be made known by being inserted in the notice for opening the books, and any further payment on the stock shall be under the control of the corporation.

Sec. 7. As soon as four hundred shares are subscribed, and the amount paid on each share as determined by the corporation as provided in the preceding section; it shall be the duty of the corporation to give three weeks' notice in one of the newspapers of each of the counties of Clark, Washington, Scott and Jackson, if there be a newspaper printed and published therein, if not by posting up five written notices in five of the most public places therein, and in such notice appoint a time and place for the stockholders to meet and elect twelve directors, who shall be stockholders and residents of the counties of Clark, Scott, Washington and Jackson; three to be elected from each county, which election shall be held within three months after the time of paying the first installment, and shall be conducted by two judges appointed by the stockholders present, and the person having the plurality of the votes given and counted in the public meeting shall be declared duly elected; in all elections,

each share, the installment on which shall have been duly paid when required, shall entitle the holder to one vote, and votes may be given by persons owning the same, or by any authorized agent.

SEC. 8. It shall be the duty of the directors elected as above and all those elected at all subsequent elections, to meet as soon thereafter as they conveniently can, and elect one of their own body to be president; and the president and directors thus elected shall continue in office until after their successors are elected and qualified.

SEC. 9. All elections after the first, shall be held on the first Monday in October annually, under the direction of three stockholders who are not directors at the time, to be appointed by the stockholders present, of which election due notice shall be given. *Provided*, That if from any cause whatever there shall be no election held on the day appointed by this act, or by the directors for the first election, it shall be lawful to hold the election on any other day.

SEC. 10. Certificates of stock shall be given to stockholders which shall be evidence of stock held; it shall be signed by the president and countersigned by the secretary; the stock shall be transferable on the books of the corporation only, or by an agent or attorney, or by an executor or administrator or guardian, but such stock shall at all times be holden by the corporation for any dues from the holders thereof to the corporation, or for any sum that may hereafter become due on a contract made prior to such transfer.

SEC. 11. The corporation shall have power to call for such proportions of the stock subscribed, not exceeding twenty per centum of the amount of stock every six months, as they may think proper to be paid at such time and place as they may designate, by giving sixty days' notice in one or more of the newpapers of the counties of Clark, Scott, Washington and Jackson, and if no newspapers are published therein, then by written notices posted up in five of the most public places in the counties aforesaid; or by giving written notice to the stockholders; in such notice the amount on such share demanded and the time and place of payment shall be set forth, and if any stockholder shall neglect or refuse to pay such requisition within ten days after the time named for such payment, the corporation may bring suit against such delinquent for the amount due in any court of competent jurisdiction, and recover the amount with two per centum interest per month thereon for such detention, and if the amount cannot be made on execution, or if such delinquent is out of the state, then the corporation may, by an order on their books, declare such stock forfeited to the corporation with whatever amount may have been paid thereon, and no such delinquent before the forfeiture of his stock, shall have the right to vote for directors or receive any dividend on his, her, or their stock, until the corporation shall be fully paid and satisfied.

SEC. 12. The corporation shall have full power to require of all officers and others in their employ, bonds with security to their acceptance, with such penalties as they may think proper for the faithful performance of their respective duties.

SEC. 13. The corporation shall have full powers to survey, mark and locate a plank road commencing at Charleston in the county of Clark, thence to Mount Sidney in the county of Jackson, thence to Brownstown in the county of Jackson, with full powers to diverge from a straight line, whenever more favorable ground can be had or the interest of the company may require. Said road shall not exceed eighty feet it width.

SEC. 14. It shall be lawful for the corporation either before or after the location of any section of the road, to obtain from any person or persons through whose lands the same may pass, a relinquishment of so much of said land as may be necessary for the construction and location of said road, also such materials as may be obtained on said route for the construction of said road.

SEC. 15. That in all cases where any person through whose land the road may run shall refuse to relinquish the same, or where a contract between the parties cannot be made, it shall be lawful for the corporation to give notice to some justice of the peace in the county where such difficulty may occur that such facts do exist, and such justice shall thereon summon the owner of such land to appear before him on a particular day within ten days thereafter, and shall appoint twelve disinterested freeholders of the neighborhood, who shall, after taking an oath faithfully and impartially to assess the damages, if any, view the lands or other materials, and after taking into consideration the advantages as well as the disadvantages the road may be to the same, and shall report thereon whether such person is entitled to damages or not, and if so, how much, and shall file such report with such justice; whereupon said justice shall enter judgment thereon, unless for good cause shown; that in case either party shall show sufficient cause why judgment shall not be entered, the justice may grant a review of the premises either with or without costs. *Provided*, That either party may at any stage of the proceedings appeal to the circuit court of the proper county, as in other cases, and such court shall appoint viewers as above directed, who may report at that or the succeeding term, in the discretion of the court, and the judgment of the said court shall be final.

SEC. 16. That if it shall be found expedient or advantageous to the location and construction of said road, the corporation shall have the right to lay the same along and upon any state or county road; *Provided, however*, That before such location shall be made, the corporation shall make application to the county commissioners of the proper county for such right, and said commissioners are hereby vested with power to grant the same by an order entered on their records.

SEC. 17. That when said corporation shall have procured said right of way as herein before provided, they shall be seized in full

right of said land, and shall have the sole use and occupancy of the same, and no person, body politic or corporate, shall in any way interfere with, molest, disturb, or injure any of the rights or privileges hereby granted, or that would be calculated to detract from or affect the profits of said corporation.

SEC. 18. The corporation shall commence the construction of said road at any time within three years from the date of this act, and may from time to time construct such portions of said road as may be within their ability and to the interest of the coporation; shall complete the whole road within five years from the time of the commencement of the same. *Provided*, That if the road should not be completed within the time aforesaid, the General Assembly may for goood cause shown give further time to complete the same.

SEC. 19. It shall be lawful for said corporation to erect gates at suitable distances apart, and demand and receive from all persons traveling said road (footmen excepted) the tolls allowed and fixed by said corporation. *Provided*, That the corporation may at any time alter or amend or change the rate of tolls. *Provided, however*, That the tolls shall never be raised higher than an average of tolls charged on roads of a similar character in this state; and it shall be the duty of the corporation, when the rate of tolls shall be determined, to post the same up in some conspicuous place, at each place of receiving tolls on said road.

SEC. 20. That if any person or persons using said road shall with intent to defraud said company or evade the payment of tolls, pass through any gate or bar erected on said road according to the provisions of this act, or shall practice any fraudulent means, with intent to lessen the payment of tolls, or shall travel on said road between such gates more than one mile in distance, and not report the same, shall for every such offence forfeit and pay to the corporation the sum of five dollars, to be recovered with cost of suit in any action of debt, at the suit of the corporation before any justice of the peace of the county. *Provided*, That nothing in this act shall be so construed as to prevent persons residing on said road from passing thereon about their premises for common or ordinary business.

SEC. 21. The corporation shall make dividends of so much of the profits, and at such times as the corporation may deem proper, and pay the same to the several stockholders as soon thereafter as they conveniently can.

SEC. 22. That if any person or persons shall willfully and knowingly injure or obstruct said road or any part thereof, or shall break, destroy, or injure any gate, bar or toll house, or any other property belonging thereto, such person or persons so offending shall pay the corporation three times the amount of damages actually done, with costs of suit, to be recovered by the corporation before any court having competent jurisdiction. *Provided*, That all actions commenced by the corporation or against the same for damages, shall be

commenced within one year from the time such cause of action accrued and not thereafter.

SEC. 23. It shall be the duty of the corporation to cause a full statement of the affairs of the company, to be made and exhibited to the stockholders at every annual election, or at any general meeting of the same.

SEC. 24. Any number of stockholders holding one-third of the stock, may call a general meeting of the stockholders, by giving four weeks notice in one or more of the newspapers of the counties of Clark, Scott, Washington, and Jackson, and specifying in such notice the object of such call, and a majority of the stock being represented, they may make such order in relation to the concerns of the company as a majority may determine.

SEC. 25. Should the capital stock herein granted be insufficient to accomplish the intended work, the company may in any case increase the same.

SEC. 26. That when the road is located, it shall be the duty of the corporation to cause a plat of the same to be deposited in the office of the auditor of each of the counties of Clark, Scott, Washington, and Jackson, and from and after that time it shall not be lawful for said corporation to alter or change any part of said road, without first obtaining the consent of the county board in which such change is proposed.

SEC. 27. That if, after the completion of said road, it shall be suffered to go to decay, or be impassable for one year, unless when the same is repairing, this charter shall be taken and considered as forfeited.

SEC. 28. The president and directors of the company shall make provision for the payment of all debts contracted in the prosecution of said work, and the Legislature reserves the right to alter, amend, or repeal this charter.

SEC. 29. This act shall be in force from and after its passage, and shall be taken to be a public act.

CHAPTER CCCLIII.

An act to incorporate the Wabash, Warsaw and Goshen Plank Road Company.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Hugh Hanna, Archibald Still, M. T. Jackson, and Lewis Musselman of the county of Wabash, and G. R. Throll, William Williams, and Joseph Long of Kosciusko, and Ebenezer Chamberlain, and T. G. Harris of the county of Elkhart, be, and they are hereby appointed commissioners to open books at suitable places in the state of Indiana, for subscriptions to the capital stock of a company for the construction of a plank road from the town of Wabash, in the county of Wabash and State of Indiana, to the town of Goshen, in the county of Elkhart in said State, by the way of Warsaw, in the county of Kosciusko, to be called the "Wabash, Warsaw and Goshen Plank Road Company," at any time within two years from the passage of this act: *Provided*, Said commissioners, or any three of them shall give twenty days' notice of the time and place of opening said books, by publishing in one or more newspapers published nearest the contemplated line of said road.

SEC. 2. The directors hereinafter mentioned, when elected, and their successors in office, are hereby constituted a body corporate and politic, by the name and style of "The President and Directors of the Wabash, Warsaw and Goshen Plank Road Company," and by such name may sue and be sued, plead and be impleaded, answer and be answered unto, either in law or equity, in any court of competent jurisdiction within this State, and may make or adopt a common seal, and the same to alter at pleasure.

SEC. 3. The said company shall have power, and they are hereby authorized to survey and locate a road from the town of Wabash, in the county of Wabash, to the town of Goshen, in the county of Elkhart, by the way of Warsaw in the county of Kosciusko, on such route as they may designate, and shall be authorized and empowered to enter upon any highway or public road, and appropriate the same to the construction of said plank road, and such highway or public road or such part thereof, as may be so occupied, shall thereupon become to all intents and purposes the property of said company; said company may take conveyances and releases of all the necessary lands over which said road may be located, and any such releases may be executed by any infant, *feme covert*, guardian, administrator or executor, and shall be as valid and effectual in law, as if such person or party so executing the same, were of full age, sold [sole] or had done the same personally, and any such release executed by

any guardian, executor, or administrator, if approved of by the proper probate court, shall bind the heirs, estates, creditors, legatees and devisees thereof.

SEC. 4. The said road shall be commenced within two years from the passage of this act, and completed within ten years thereafter: *Provided, however*, That said company may, if a majority of the stockholders deem it advisable to do so, commence said road at Wabash, and continue the same in the direction of Goshen, and terminate the same at any point they may deem expedient: *Provided further*, That the same shall be extended as far at least, as to some point on Eel river, and it is further expressly provided that no stockholder who is a resident of the county of Kosciusko, at the time of taking such stock, shall be required to pay the same or any portion thereof, in any manner or form whatever, except for the purpose of extending said road from Eel river to Warsaw or furthermore [further]; it is also further provided, that no stockholder of the county of Elkhart, at the time said stock is taken, shall be required to pay the same or any part thereof, in any manner [or] form, except for the purpose of extending said road from Warsaw to Goshen.

SEC. 5. *Be it further enacted*, That sections, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fifteen, sixteen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, and thirty-two, of an act entitled "an act to incorporate the Wabash and Marion Plank Road Company," approved the day of 1851, except that Warsaw, in Kosciusko county, shall be the language adopted instead of "Ashland, in Wabash county," as used in section three of said act, and that the number of directors of this company shall be nine instead of seven, as stated in section six of the above recited act, be and the same are hereby extended to this company; and the said sections, and every part thereof, (except as herein expressly excepted,) shall be applicable to this act, in every respect whatever, in as full and ample a manner as if the same were herein transcribed and incorporated in this act.

SEC. 6. This act shall be in force from and after its passage, and taken and deemed a public act, and shall be liberally construed to effect the objects contemplated.

CHAPTER CCCV.

An act to incorporate the town of New Winchester in Hendricks county.

[APPROVED FEBRUARY 5, 1851.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the inhabitants of the town of New Winchester, in Hendricks county, be and they are hereby declared to be a body politic and corporate, with perpetual succession by the name and style of "The President and Trustees of the town of New Winchester," and by that name may sue and be sued, plead and be impleaded, defend and be defended, in all courts of law and equity, and may have a seal and alter the same at pleasure.

SEC. 2. Said corporation shall include all the in-lots and out-lots of said town of New Winchester, as the same are now laid off and recorded, and all additions which have been or may hereafter be made thereto.

SEC. 3. The officers of said corporation shall be five trustees, one of whom shall be elected president as hereinafter provided, a treasurer, clerk and marshal.

SEC. 4. The trustees of said corporation shall be elected annually on the fourth Monday of September, and shall hold their offices until their successors are elected and qualified, and Job Turner, R. Trowbridge, Jordan Denny, M. G. Parker and William M. Sanders, are hereby appointed trustees of said corporation, until the fourth Monday of September, 1851, and until their successors are elected and qualified.

SEC. 5. The trustees shall elect one of their number president, who shall hold his office during the term for which he may have been appointed or elected a trustee, unless he shall sooner resign or remove, in which case a successor shall be elected by said trustees from their number, who shall hold his office in like manner.

SEC. 6. Said trusteees shall also appoint a treasurer, clerk and marshal of said corporation, who shall hold their offices for the term of one year, and until their successors are elected and qualified.

SEC. 7. The president shall preside at all meetings of the trustees, unless when questions are pending, in which, he is personally interested, he shall not vote except in cases of a tie, when he shall give the casting vote.

SEC. 8. A majority of the trustees shall constitute a quorum to do business, and in case of the absence of the president, may appoint one of their number president *pro tempore*.

SEC. 9. In case of vacancy in the office of any trustee, the remaining trustees shall fill the vacancy by appointment; such appointment to continue until the next annual election, and until his successor is elected and qualified.

SEC. 10. A full and accurate record of the proceedings of the trustees shall be kept by the clerk, and each day's proceedings shall be signed by the president or president *pro tempore*, and be attested by the clerk.

SEC. 11. It shall be the duty of the president or president *pro tempore*, to sign all ordinances and decrees of a public nature, and the clerk shall attest the same before their publication.

SEC. 12. The record of the proceedings of the trustees shall at all times be subject to the inspection of the voters of said town.

SEC. 13. It shall be the duty of the treasurer to receive all moneys which, may be in any manner collected for the use of said town corporation, and to pay the same out upon the order of the trustees, signed by the president or president *pro tempore*, and attested by the clerk, and said treasurer shall, at least once a year, and oftener, if required by the trustees, make in writing to the trustees, a detailed report of the moneys received and the amount paid out by him as such treasurer, and the treasurer shall execute to said corporation, before entering upon the duties of his office, in such penalty as said trustees may require, a bond with sufficient security, to be approved by said trustees, conditioned for the faithful performance of his duties as such treasurer.

SEC. 14. It shall be the duty of the marshal, to collect all taxes which may be levied by said trustees, upon taxable property of said town or otherwise, and pay the same over to the treasurer, and before entering upon the duties of his office, shall execute to said corporation, a bond with sufficient security in such penalty as the trustees may require, conditioned for the faithful performance of his duties as such marshal.

SEC. 15. The trustees, clerk, treasurer, and marshal shall severally be sworn, faithfully to discharge their several duties before entering thereon.

SEC. 16. Every qualified voter of the State, who shall have resided within the limits of said corporation, three months next preceding the election, shall be entitled to vote for trustee at the annual election.

SEC. 17. No person shall be eligible to any office in said corporation who is not a voter of said town.

SEC. 18. Said trustees shall have power from time to time and at all times, to make, ordain, establish and execute such by-laws and ordinances, not inconsistent with the constitution and laws of this State, as they shall deem necessary for the good government of said corporation, and to prevent and remove nuisances, to restrain and prohibit gambling, and other disorderly conduct, to provide for licensing, regulating or restraining theatrical and other public shows and amusements within the corporation, to regulate and establish

markets, and to sink and keep in repair public wells, aud shall have the sole and exclusive power and authority to keep in repair all necessary streets, alleys, and drains and to pass regulations necessary for the same, agreeably to the plan of said town.

SEC. 19. The president and trustees or a majority of them, shall have full power to assess and collect annually, tax on all real property not exceeding fifty cents on every hundred dollars of the assessed value thereof, also a poll tax on every actual citizen qualified to vote, not exceeding fifty cents each; also a reasonable tax on all other property which they may think proper subjects of taxation.

SEC. 20. Said president and trustees shall have full power and authority to appoint an assessor, and shall allow him a reasonable compensation for his services.

SEC. 21. Such assessor, and also the clerk, treasurer and marshal, when appointed shall perform such duties, and be governed by such rules and regulations as shall be prescribed by said president and trustees, and the marshal shall have power to collect all tax imposed, by virtue of any of the powers conferred by this act, and shall have authority, to collect the same by distress and sale of the goods and chattels of the person charged with such tax, on giviug ten days' previous notice of the time and place of such sale, and if no goods and chattels of the person charged with said tax can be found, it shall be lawful to seize and sell any lot or lots, or part or parts thereof, or so much as will pay and satisfy such taxes due and in arrear, and all costs accruing on such sale, paying to the owner or owers the overplus, if any.

SEC. 22. The Marshal, in making collections of taxes, shall have the same power, and shall be governed by the same rules and regulations as county treasurers and county auditors, and shall make conveyances and certificates to the purchasers at such sale, in like manner as the county auditor is authorized in cases of sales, in the collection of the State and county revenue, and with like force and effect, but in no case shall real essate which is the property of minors or *femmes covert*, be sold for a corporation tax by virtue of this act.

SEC. 23. Any real estate sold by virtue of this article, shall be redeemable at any time within two years, by the payment of the full amount for which the same may have been sold, with fifty per centum thereon, and also the amount of all taxes or charges subsequently accrued thereon, with legal interest on the same, and if the purchaser cannot be found conveniently, the same shall be redeemed by payment made into the corporation treasury, for the benefit of the purchaser.

SEC. 24. When, in the opinion of the trustees, it would be expedient to increase the number of trustees of such corporation, they may order seven trustees to be elected at the next and every succeeding annual election.

SEC. 25. The president and trustees shall have full power and authority to enforce their by-laws and ordinances, in all cases whatever, but no fine, penalty, or forfeiture, shall be inflicted on any one person, for a breach of any one of the by-laws or ordinances, of more than three dollars for each offence, which penalties and forfeitures may be recovered before any justice of the peace of the county of Hendricks, by an action of debt in the name of such corporation.

SEC. 26. No by-laws or ordinances shall be in force until it shall have been published in at least three of the most public places in said town for ten days.

SEC. 27. All moneys arising from fines, taxes, penalties, and forfeitures, shall be appropriated by said president and trustees for the benefit of said corporation, in such manner and for such purposes as they may direct.

SEC. 28. It shall not be lawful for any person or persons within the bounds of such corporation, to retail by a less quantity than one quart at a time, any spirituous liquors, foreign or domestic, or to keep what is commonly called a tippling-house, unless such person or persons shall, in addition to a license obtained from the board of county commissioners, obtain a license from the said president and trustees, who are hereby authorized to grant the same for any term not exceeding twelve months at one time, on the applicant paying into the treasury of the corporation such sum as said president and trustees may require, not less than twenty-five dollars.

SEC. 29. The president and trustees shall annually on or before the first Monday of March, determine whether they will levy a tax for the current year, and if they shall determine to levy such tax, the clerk shall make out and deliver to the assessor a copy of the assessment roll of the previous year, together with a precept under the seal of the corporation, if any, otherwise under his own seal or scroll, commanding him in the name of the corporation, on or before the first Monday in June next, to make out and return to the president and trustees a complete list of all persons liable to pay a poll tax, and of all real and personal property liable to be assessed and taxed, by order of said trustees, with the names of the owners, if known, and whether resident or not, and a just and fair valuation of the same; and the assessor, before entering upon the discharge of his duties, shall take an oath of office.

SEC. 30. So soon as the assessment roll shall be made out and returned, the president and trustees shall determine the amount of poll tax, and the per centum of tax to be levied on the assessment, and thereupon the clerk shall forthwith make out and deliver to the marshal an alphabetical list of the persons named in said asssessment roll, and the amount of taxes for the current year, and the delinquent taxes of the preceding year, if any, chargeable against each, specifying whether the same is a poll or a property tax, and, if the latter, concisely describing the property, with its assessed value, together

with a precept, under the seal of said corporation, if any—if none, then under his own seal or scroll—commanding him in the name of said corporation, that he collect the taxes charged in said list, and that he return said list and precept, and pay over the money so collected, on or before the fifteenth day of October next thereafter.

SEC. 31. The marshal shall, on or before the first Monday of September, demand payment of the taxes of the persons charged therewith respectively, or at their most usual place of residence, if residents, and upon payment, receipt therefor, specifying the year, amount of tax, and the property on which assessed, and if the tax shall not be paid by the time in this section mentioned, the marshal shall proceed to collect the same by distress and sale, as in this act provided.

SEC. 32. The president and trustees shall cause notice of each annual election for trustees to be given by written notices posted up in three of the most public places in said corporation, at least ten days prior to said election, and shall also appoint an inspector of such election, whose duty it shall be to appoint the necessary officers of such election, and certify the result thereof to said president and trustees.

SEC. 33. This act shall be a public act, and shall be liberally construed in all courts of justice in this State, and shall be in force from and after its passage.

STATE OF INDIANA, } SS:
OFFICE OF SECRETARY OF STATE. }

I, CHARLES H. TEST, Secretary of State for the State aforesaid, certify that I have compared the foregoing with the enrolled acts and joint resolutions from which they were taken, now on file in my office, and have found them correctly printed. A few words designated [thus,] were inserted by me, in order to aid the sense.

In Witness Whereof, I have hereunto set my hand and affixed the seal of
[SEAL.] the State, at the city of Indianapolis, the tenth day of May, A. D. 1851.

CHARLES H. TEST,
Secretary of State.

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